



AN ACT

TO ORGANIZE AND REGULATE THE

MILITIA

OF THE

STATE OF INDIANA.

PASSED AT THE FIFTEENTH SESSION OF THE GENERAL ASSEMBLY.

PUBLISHED BY AUTHORITY.

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MILITIA LAW.

An Act to organize and regulate the Militia of the State of Indiana:

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That each and every able-bodied white male citizen of the United States, resident in this state, not less than eighteen, nor more than forty-five years of age, except those excepted or exempted by this or some other act or law of this state, or the United States, shall, severally and respectively, be enrolled in the militia of the state of Indiana, by the captain or commanding officer, within the bounds of whose company such citizen may reside; and every citizen so enrolled, shall provide himself with a good rifle, musket or fusee, with a cartouch box to contain at least twenty-four cartridges, suited to the bore of his musket or fusee, or a pouch to contain at least twenty-four balls suited to the caliber of his rifle, and a powder horn to contain at least one quarter of a pound of powder; and every such citizen shall appear, so armed and equipped, on all days of muster appointed by law; and every citizen who shall provide himself with arms and accoutrements, or shall uniform and equip himself, agreeably to the provisions of this act, shall hold the same exempt from all executions, attachments, distress, seizure and sale for debts, damages or taxes, any law to the contrary notwithstanding.

Who are subject to militia duty, and how enrolled.

Arms, &c. equipments.

Arms, &c. exempt from execution, &c.

SEC. 2. The militia of this state, shall be divided into divisions and brigades, as follows, to wit: The counties of Gibson, Pike and Dubois, shall form the second brigade; the counties of Vanderburgh, Warrick and Posey, the twelfth brigade; and the second and twelfth brigades shall form the first division: The counties of Harrison and Crawford shall form the third brigade; the counties of Clark and Floyd, the eighth brigade; the counties of Perry and Spencer, the ninth brigade; and the third, eighth and ninth brigades, the second division: The counties of Franklin, Union and Ripley, shall form the sixth brigade; the counties of Wayne, Fayette, Allen and Randolph, the thirteenth brigade; and the sixth and thirteenth brigades, the third division: The county of Washington shall form the fourth brigade; the counties of Orange and Lawrence, the seventh brigade; the

Brigades and divisions.

2nd brigade.

12th division.

1st division.

3rd brigade.

8th brigade.

9th brigade.

2nd division.

6th brigade.

13th brigade.

3rd division.

4th brigade.

7th brigade.

14th brigade. counties of Jackson, Bartholomew and Johnson, the fourteenth brigade; and the fourth, seventh and fourteenth brigades, the fourth division: The counties of Jefferson, Jennings and Scott, shall form the fifth brigade; the counties of Dearborn and Switzerland, the tenth brigade; and the fifth and tenth brigades, the fifth division: The counties of Knox, Daviess and Martin shall form the first brigade; the counties of Sullivan, Vigo and Green, the eleventh brigade; and the first and eleventh brigades, the sixth division: The counties of Monroe, Owen and Clay, shall form the fifteenth brigade; the counties of Shelby, Marion, Madison, Hendricks, Hamilton and Hancock, the seventeenth brigade; the counties of Decatur, Rush, Henry and Delaware, the eighteenth brigade; and the fifteenth, seventeenth and eighteenth brigades, the seventh division: The counties of Putnam, Parke and Vermillion shall form the sixteenth brigade; the counties of Montgomery, Warren and Fountain, the nineteenth brigade; the counties of Tippecanoe, Clinton, Carroll, Cass, Elkhart and St. Joseph, the twentieth brigade; and the sixteenth, nineteenth and twentieth brigades, the eighth division: subject, however, to such alterations as may be deemed necessary by the commander-in-chief, who shall have power to alter the boundaries of, or add to the old, or establish new brigades and divisions.

8th division.
Commander-in-chief may alter or add to, &c.
Division, brigade, regiment, battalion, & company, how composed.

Governor to file description on new division or brigade, with adjutant-general.
Bounds of regiment, how altered, &c.

Board, how composed, when regiments are to be altered.
Proceedings recorded by brigade inspector.

SEC. 3. Each division shall consist of not less than two, nor more than three brigades; each brigade, of not less than three, nor more than six regiments; each regiment, of two battalions; each battalion, of not less than four, nor more than six district companies; each company, of not less than forty, nor more than one hundred rank and file: *Provided*, That in very detached or sparse settlements, a company may be formed, under the direction of the field officers of the proper regiment, of not less than twenty-five men.

SEC. 4. Whenever the commander-in-chief forms a new division or brigade, he shall file a description thereof, in the office of the adjutant general, to be by him reported to the legislature, at their first session thereafter.

SEC. 5. The brigadier general, together with the field officers, or a majority of them, or of any regiment of the brigade interested in such division, when met for that purpose, under the direction of the brigadier general, shall have power to divide any such regiment, or alter the bounds of the several regiments of the brigade: *Provided, however*, That when the bounds of two or more regiments are to be altered, the board shall consist of a majority of the field officers of such regiments, respectively: in all of which cases, the proceedings shall be recorded in a book to be kept for that purpose by the brigade inspector.

SEC. 6. The field officers and captains, or a majority of

them, when met for that purpose, shall have power to fix or alter company bounds, or set off new company districts, in their respective regiments, or to consolidate companies, or attach light companies to the respective companies from which the same may have been taken, when such light companies shall not have uniformed and equipped themselves within a year from the time they may have been organized, or when the convenience of the regiment requires it.

SEC. 7. In all cases of the division of a regiment, that part constituting the first battalion, shall retain the number and rank of the regiment so divided.

SEC. 8. The militia of this state, shall be officered as follows, to wit: The staff of the commander-in-chief, shall consist of two aids de camp, one adjutant-general, and one quarter-master-general, all ranking as colonels, to be appointed by such commander-in-chief. To each division there shall be one major-general and his staff, to consist of one division inspector, with the rank of lieutenant colonel, and a division quarter-master and two aids de camp, with the rank of major: To each brigade there shall be one brigadier general and a brigade staff, to consist of one brigade inspector, with the rank of major, one aid de camp, and one quarter-master, each to rank as captain: To each regiment there shall be one colonel, one lieutenant colonel and one major: To each company there shall be one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer: And it shall be the duty of commandants of companies, to appoint their non-commissioned officers, in April annually, and to fill vacancies as the same may occur; and no person shall be compelled to serve as a non-commissioned officer, for a longer period than one year. The staff of each regiment shall be one surgeon with the rank of captain; one adjutant, one quarter-master, one pay-master, one surgeon's mate, and one judge advocate, each to rank as lieutenant; one sergeant-major, one quarter-master-sergeant, one provost-marshal, one forage-master, one drum-major, and one fife-major, to be non-commissioned officers: All of which staff officers shall be appointed by the officers commanding such division, brigade or regiment, (as the case may be) at the time such appointment may be made.

SEC. 9. That where there is not a sufficient number of militia, in any one county in this state, to constitute a regiment, then, and in that case, the commandant of the brigade wherein such county is situated, shall set off a regiment in such county, which when organized, shall be entitled to all the privileges that belong to a complete regiment, any thing in this act to the contrary notwithstanding.

SEC. 10. When any entire brigade, regiment or company, may hereafter be set off, the officers in such brigade, regi-

Company bounds, by whom fixed, and companies how established.

Light companies for want of uniform, &c. shall be attached, &c. In case of division, 1st battalion retains rank.

How officered
Commander-in-chief and staff.
Division.

Brigade.

Regiment.

Company.

Non-commissioned company officers.

Regimental staff.

Rank.

Staff, how appointed.

Regiment in new counties, how formed and organized.

When new brigade, &c.

set off, officers to retain command, &c. Commissions to be endorsed so as to designate the command.

ment or company, shall retain their respective commands; and if the numbers of such brigade, regiment or company, shall be changed, so that the commissions of such officers do not properly designate their commands, it shall be the duty of the commandants of divisions, to make endorsements on the commissions of brigadier-generals; and the commandants of brigades shall make endorsements on the commissions of colonels, lieutenant colonels and majors; and the commandants of regiments, shall endorse the commissions of all company officers in their respective regiments; which endorsements shall vest the officers holding such commissions, with the same authority as the commissions would have done, if the same had been expressed on the face of the commissions.

Rank of officers.

Date of commission, and rank.

SEC. 11. All commissioned officers, shall take rank agreeably to the date of their respective commissions; and when two or more commissions are of the same date and grade, the rank shall be determined by lot, to be drawn, if a company officer, in the presence of the colonel; if a field officer, in presence of the brigadier-general; if a brigadier-general, in presence of the major-general; and if a major-general, it shall be drawn by the adjutant-general, in presence of the commander-in-chief.

Offices, vacated by removal

SEC. 12. All officers leaving their respective bounds or commands, with the intention of removing, shall thereby vacate their offices.

Election of company officers.

SEC. 13. When a new company is set off, or a vacancy happens among the officers of a company, the commandant of the regiment, on being informed thereof, shall cause the enrolled militia of such company, by written notice, set up in at least three of the most public places within such company district, at least ten days previous to the day of election, to be notified of the same, directing them to meet at a time and place specified, as near the centre of the company as may be convenient, stating the officers to be elected; and the qualified electors of such district, shall meet at the time and place appointed, and proceed to choose three judges and two clerks of election, by a majority of the voters present; and one of the judges so chosen, shall administer to the other judges and the clerks, and one of the other judges, to him, the following oath or affirmation, to wit: "You solemnly swear (or affirm) that you will faithfully and impartially discharge your duty as judges (or clerks) of the present election:" The judges shall then proceed to receive the ballots from the electors, between the hours of ten o'clock A. M. and four o'clock P. M. of the day of election; and the clerks shall write the name of each voter in a poll book prepared for that purpose, and at the close of the election, the judges and clerks shall count the ballots, and declare the person or

Votes taken between hours of 10 and 4.

Poll book.

Ballots counted.

persons having the highest number of votes, duly elected, and proclaim the result to the people present.

Proclamation of election.

SEC. 14. When any company neglects or refuses to elect its officers, as herein directed, or elect officers the second time who refuse to accept their commissions, such company may be attached to other companies, by the next regimental court of assessments, or by the commandant of the regiment until such court shall meet.

Company neglecting to elect officers, to be attached, &c.

SEC. 15. Whenever the office of colonel, lieutenant colonel or major, shall become vacant in any regiment, it shall be the duty of the brigadier-general, on being informed thereof, to notify the officer highest in rank, within the bounds of such regiment, of such vacancy, directing him forthwith to notify the commandants of companies, who shall forthwith notify their respective companies, by written notices set up in three of the most public places in their respective company districts, at least fifteen days previous to the day of election, directing the qualified voters to attend; at a time and place specified therein, for the purpose of electing a colonel, lieutenant colonel or major, as the case may be, which time and place shall be appointed by the brigadier-general; and when the electors meet, judges and clerks shall be chosen and sworn, receive the ballots, between ten o'clock A. M. and six o'clock P. M., write the names of the voters in a poll book, and at the close of the election, count the votes, and proclaim to the people present, the result; all in the same manner as in the case of company elections; and also make out a statement of the votes given, which statement, together with the poll book, shall be by one of the judges, deposited within three days after the election, with the judge advocate of the regiment; or, if there be no judge advocate at the time, then with the clerk of the circuit court. When a new regiment may be set off, the commandant of the brigade shall attend the election of field officers, and where there may not be organized companies in any new regiment, he shall have power to direct the method of notifying the militia composing such new regiment, of the time and place of holding elections for field officers therein.

Colonel, lieutenant colonel or major, how elected.

Notice, by brigadier-general. By commandant of regiment. Of companies.

Time & place to be appointed by brigadier-general. Judges and clerks. Elections how conducted.

Statement of votes, & poll book to be deposited with judge advocate.

Commandant of brigade shall attend election of field officers in new regiment.

SEC. 16. When the office of brigadier-general shall become vacant, the major-general, or in case the office of major-general is vacant, the adjutant-general, shall issue orders to the several commandants of regiments in the proper brigade, directing them to notify the commissioned officers of their respective regiments, to meet at the usual place of mustering their regiments, or some other convenient public place within the bounds of such regiments, to be named by such commandants, on a day specified in the order, which day shall be the same in each regiment, and at least twenty

Brigadier general, how elected.

Major-genl. or adjutant-general issue order.

Commandants of regiments give notice.

Place of election.

Twenty days notice.

Judges and clerks.

Proceed as in electing field officers.

Major-general, how elected.

Adjutant-general issue order to brigadiers, & they to cois., &c. Held, as brig. elections.

Elections, in case of a tie, determined by lot.

Vacancies, by promotion on day of election, filled forthwith.

Elections, how certified. Certificate of company officers delivered to commandant of regiment, and by him to commandant of brigade. Of field and general officers, to officer highest in command. Brig. or other proper officer to transmit to adjutant-general.

Contested elections. Notice to brigadier general and person elected.

days after the notifications to the commissioned officers shall be given; and the commissioned officers in their respective regiments, shall meet and choose judges and clerks, from the qualified electors present, who shall be sworn as in case of company elections, after which they shall proceed to receive the ballots, in the same manner, and be governed in all respects, as in the election of field officers.

SEC. 17. When the office of major-general shall become vacant, the adjutant-general shall issue an order to the several brigadier-generals of the proper division, directing an election for major-general, who shall thereupon direct elections to be holden in the several regiments of their respective brigades, on a day appointed by the adjutant-general, which election shall be held and conducted in the same manner as is directed for the election of brigadier-generals.

SEC. 18. In all elections for militia officers, when two or more persons shall have an equal, and the highest number of votes, the election shall be determined by lot, to be drawn, in case of the election of a field or company officer, by the judges present, or in case of a general officer, by the adjutant-general, in presence of the commander-in-chief.

SEC. 19. When the office of captain, lieutenant or ensign, shall become vacant, by promotion, resignation, or otherwise, on the day of election, the judges of such election shall make proclamation thereof, to the people present, and the electors shall immediately proceed, by ballot, as in other cases, to fill such vacancy.

SEC. 20. All elections shall be certified by the judges thereof, and attested by the clerks. The certificate of election for company officers, shall be directed and delivered to the commandant of the regiment, who shall deliver the same, together with a copy of the order for holding the election, to the commandant of the brigade; and the certificate of election in the several regiments for field officers, and brigadier and major generals, shall be directed and delivered to the officer highest in command in each brigade, respectively; and each commandant of brigade, or officer highest in command as aforesaid, after retaining such certificates ten days from the time of election, shall transmit the same to the office of the adjutant-general, who shall lay the same before the governor, who shall issue commissions accordingly. Judges of elections, for any officer of any independent company, shall specify in the return of such election, the description of the company for which such officer may be elected.

SEC. 21. If any elector shall choose to contest any election for field or company officers, who may have been proclaimed duly elected, he shall give notice thereof in writing, to the commandant of the brigade, within ten days after the election; and in like manner, within the same time, notify

the person or persons whose election he intends to contest, expressing the points on which he intends to rely; and the commandant of the brigade, shall direct the brigade inspector, or such other person as he may appoint, if a field officer's election is contested, to summon the parties to meet at a time and place specified, before three or more field officers whom he may appoint for that purpose, who shall hear and determine the same, and report their decision in writing to the commandant of the brigade; which decision shall be final: If the election of a company officer be contested, the commandant of the brigade shall direct the commandant of the regiment, to summon, by the adjutant, or some other staff officer, the parties, with three or more commissioned officers of the regiment, in the same manner as in case of the contested election of a field officer; who shall proceed to hear and determine the same, and report their decision as aforesaid, which decision shall be final: If the election of a general officer be contested, the contestor shall, within thirty days after the election, notify the governor in writing, and in like manner and within the same time, notify the person whose election he contests, expressing the points on which he means to rely; and the governor shall issue an order, appointing a time and place for trying such contest, and five or more field officers, a majority of whom shall, at the time and place specified, meet and determine the contest, and report their decision in writing, which shall be final.

SEC. 22. In all such cases, where a board of officers shall be convened for the purpose of trying a contest as aforesaid, they shall appoint a judge-advocate, who shall administer an oath or affirmation to such officers, for the faithful discharge of their duties, and shall, in turn, be sworn himself, by the president of the board. And such board are hereby authorized to issue subpoenas, and if necessary, attachments for witnesses for either party, which shall be signed by the judge-advocate, and executed by the provost-marshal, to be appointed by the board; and the judge-advocate is hereby authorized to swear the witnesses; and if any witness shall neglect or refuse to obey such subpoena, he shall be fined by the said board of officers, in any sum which to them may seem right; which fines shall be collected on the warrant of the president of the said board, directed to the sheriff of the county within which such witness may live, who shall collect and pay the same to the paymaster of the regiment to which such witness may belong.

SEC. 23. All commissions issued by the governor, for regimental officers, shall be transmitted to the commandant of the proper brigade, who shall deliver the same to the commandant of the proper regiment, and he, to the proper officer; and every officer commissioned, shall within ten days

Parties to be summoned, also three or more field officers to try contest, and report to brigadier. Contest of company officer's election.

Contest of election of a general officer

Governor shall issue order, and appoint five or more field officers to try contest. Judge-advocate appointed in contests. Oath of board and judge-advocate.

Witnesses.

Commissions to whom transmitted, &c.

Oath of office, to be endorsed on commission.

Officer failing to be sworn, and give notice, forfeits office.

Term of office.

Resignations, when to be made.

Commissions to be endorsed and returned.

Vacancy, how filled.

Regimental muster, in October.

Battalion muster in May.

Company muster in April.

Commandant to give notice

after receiving his commission, and previous to entering on his duties, take an oath to support the constitution of the United States, and that of this state, and an oath of office; which oaths the commandant of the regiment, or any justice or judge, is hereby authorized to administer, and a certificate of which shall be endorsed on the commission, by the person administering the same; and if any person receiving a commission, shall fail to take the oaths aforesaid, within the time above provided, and give notice thereof, within twenty days thereafter, to the proper officer, whose duty it shall be to order such election, he shall be considered as refusing the office, and the same shall be filled as in other cases.

SEC. 24. All militia officers, where a commission is required, shall be commissioned by the governor, and may hold their commissions during good behaviour, or until they shall arrive at the age of sixty years: *Provided*, That any officer shall be at liberty to resign after serving five years, or previously, for good cause shewn; and in the first of said cases, the proper superior officer (as hereinafter designated) shall, and in the second case may, between the first of November and the first of January, but at no other time of the year, accept resignations; the commander-in-chief shall receive the resignation of major-generals; the major-general, that of brigadier-generals; and the brigadier-general, that of regimental field officers; and colonels or commandants of regiments, that of company officers; and in all cases, the officer accepting or receiving a resignation, shall endorse on the commission the cause for which it is accepted or received, return the commission to the person resigning, and take measures for filling the vacancy.

SEC. 25. There shall be in every year, a muster of each regiment, on such day in October, as the commandant of brigade shall direct, at which all field, staff and company officers, non-commissioned officers, musicians and privates of the regiment, shall attend, armed and equipped as the law directs.

SEC. 26. There shall be in every year, at such time and place in May, as the commandant of the regiment may direct, a muster of each battalion, at which every commissioned and non-commissioned officer, musician and private of the battalion, shall attend, armed and equipped as the law directs.

SEC. 27. There shall be in every year, on the second Saturday in April, at such place as the commandant of the company may direct, a muster of each company, at which every commissioned and non-commissioned officer, musician and private of such company shall attend, armed and equipped as the law directs; and it shall be the duty of the commandants of companies at such muster, to notify the compe-

ny, of the times and places of holding all musters and courts of assessment and appeals for the current year, which any of the company may be required to attend, which shall be all the notice required for persons regularly enrolled.

SEC. 28. Each brigadier-general shall appoint the days in each year, on which the regimental musters shall be held in his brigade, and notify the commandants of regiments, and the major-general thereof, by the fifteenth day of February annually: *Provided*, That if the brigadier-general should fail to notify the commandant of any regiment, of the time of holding the regimental muster, within the time prescribed by law, the commandant of such regiment shall appoint his own regimental muster.

SEC. 29. The commandant of each regiment, on receiving from the commandant of brigade, notice of the time of holding the annual regimental muster, shall add thereto the place of holding the same, and also the time and place of holding the annual battalion, and the regimental drill musters, and the court of assessment and appeals; a copy of which he shall cause to be delivered to the field officers and commandants of companies, by the first day of March thereafter.

SEC. 30. There shall be one regimental drill muster, in each year, at such time and place, as may be appointed by the commandant of the regiment as aforesaid, to continue two days, at which all commissioned and staff officers, and sergeants of the regiments shall attend; commissioned officers to be armed with swords, fire-arms and accoutrements; provided that field officers only, shall be compelled to be armed with swords; non-commissioned officers, with fire-arms and cartouch boxes, or pouch and horn; and shall be trained and exercised agreeably to the rules and regulations of the army of the United States, except that the surgeon, and surgeon's mate, need not attend such drill; and the commandant of the regiment, or in case of his absence, the officer highest in rank or command at such drill, shall cause the roll of officers to be called on each day, note all delinquencies, and make return thereof to the next court of assessment.

SEC. 31. At the several musters and drills herein directed, the troops shall be exercised and trained, agreeably to the rules and regulations of the army of the United States, at least three hours in each day; and at each muster the commandants of companies shall cause the roll to be called, and note all delinquencies, as well with regard to absentees, as to arms, uniform and accoutrements or equipments, and as to refusal to perform duty when present, and make full and accurate return thereof to the next court of assessment of their regiment; and it shall be the duty of the command-

of musters & courts.

Com. of brig. shall appoint reg't. muster, and brig. drill

Commandant of regiment give notice to field and company officers of battalion and drill musters and court of assessment.

Regiment drills.

All officers to attend, and how armed, &c.

Surgeon and mate excepted. Roll called, & delinquencies noted, & returned.

Drill hours.

Roll shall be called, and delinquencies noted and returned.

ing officer, at each battalion and regimental muster, in like manner, to cause the roll of all commissioned and staff officers required to attend, to be called, and all delinquencies noted and returned, by the adjutant, or in case of his absence, by the commanding officer, in like manner as in case of company delinquencies: *Provided*, That in all cases where it shall appear satisfactorily, that any non-commissioned officer or private, is unable to equip himself agreeably to the requirements of this act, it shall not be the duty of his commanding officer to report him as delinquent, for want of equipments.

Proviso, in favour of privates & non-commissioned officers unable to equip.

Cavalry and Artillery.

Light infantry, grenadiers or riflemen.

Election of officers in volunteer company.

Uniform to be adopted by company.

Notice, how given of enrolment in vol. company.

Persons to continue five years in vol. company. Fine for attending muster without uniform. Volunteer companies subject to same duties as others. May be trained four days

SEC. 32. There shall be one troop of horse and one company of artillery, attached to each regiment, when either or both can be raised with convenience, to be enlisted by voluntary enrolment, in such manner and under such restrictions as may be directed by the commandant of the regiment; and there shall be one company of light infantry, grenadiers or riflemen to each battalion, when either can be raised without reducing the district companies below the number of forty rank and file each, to be raised by voluntary enrolment, in such manner, and at such time, as the regimental field officers may direct.

SEC. 33. When any volunteer company shall be raised as aforesaid, the commandant of the regiment shall direct an election for officers for such company, as in other cases, and return the names of the persons elected, to the commandant of the brigade in like manner; and such company, when organized, shall wear, on parade, such uniform as may be agreed upon by a majority of the company.

SEC. 34. When the captain of any volunteer company shall enrol any person from any other company, he shall forthwith notify the commandant of such last named company thereof in writing; and if it shall appear that such company has been reduced below the number of forty rank and file, the commandant of such volunteer company shall order the person so enrolled back to the company from which he was taken.

SEC. 35. Every man enrolled in a volunteer company, shall continue therein five years, unless sooner discharged or released therefrom by the commandant thereof, or by a vote of the company at some regular parade; and shall be subject to a fine of fifty cents, for every muster he may attend, without the uniform agreed on by the company.

SEC. 36. Volunteer companies shall be subject to the performance of the same duty, and to the same rules and orders, as the other militia of this state; and in addition, may be ordered out, for training and exercise, by their respective commandants, any number of days not exceeding four in each year, in addition to the number regularly ap-

pointed and required by this act; and for any delinquency extra, annually at either of said extra trainings, the officers and members of such companies, shall be liable to the same fines as in the case of other musters; but such delinquencies shall not be reported to, nor fines assessed by, the regimental court of assessment, but to and by a board of the commissioned officers of each of such companies respectively, who shall, for that purpose, meet at some convenient place, (of which notice shall be given by the commandant, to the company, at the last previous training,) at or near the usual place of mustering such company, on the second Monday of November, annually, and then and there proceed to receive returns, and assess fines, in all cases of delinquency at extra trainings, since the preceding annual meeting; and shall make out a fair list of such delinquents, with the cause and amount of fine assessed on each, signed by the president of such board, (who shall be the highest or senior officer present) and deliver the same, (after the sitting of the next court of appeals of the regiment) to the officer or person appointed and authorized to collect the fines for the regiment, who shall collect the same, in the same manner, and be entitled to the same compensation, and paid in the same manner, as in other cases, and pay over the fines collected to the treasurer of the company, to be appointed by such officers, under the same restrictions and penalties, as in other cases; and such delinquent list shall be returned, within the same time, and may be, for good cause, renewed by such president or other commandant of such company, in the same manner as other delinquent lists: *Provided, however*, That any person fined as aforesaid, may appeal to the regimental court of appeals, who shall hear and determine the same, as in other cases, and certify to the collector, the fines remitted.

Fines, how assessed by officers of vol. company.

Collection of volunteer fines.

To whom paid.

List returned and renewed, as in other cases.

Appeals to regimental court of appeals.

Cavalry, how officered and equipped.

SEC. 37. There shall be, to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one trumpeter, and not less than thirty nor more than fifty privates. The commissioned officers shall furnish themselves with good horses, saddles, bridles, and holsters, and shall be each armed with a sword and pair of horseman's pistols; and each dragoon shall provide himself with a good horse, saddle, bridle, holster, mail-pillion and breast-plate, and shall be armed with a sabre, pair of pistols, and cartouch box to contain at least twelve cartridges.

SEC. 38. There shall be, to each company of artillery, one captain, two lieutenants, one ensign, four sergeants, four corporals, two gunners and six aids, one drummer, one fifer, and not less than twenty five, nor more than forty privates, and one piece of artillery. The commissioned and non-commissioned officers, shall each be armed with a sword or

Artillery, how officered, armed and equipped.

hanger, and each private with a musket or fusee, with a cartouch box to contain at least twenty four cartridges.

Light infantry, grenadier and rifle companies, how officered, &c.

SEC. 39. To each company of light infantry, grenadiers or riflemen, there shall be one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, one fife, and not less than forty, nor more than one hundred privates. Each commissioned officer shall be armed with a sword or hanger, and each private of light infantry or grenadiers, with a sufficient musket or fusee, bayonet and belt, with a cartouch box to contain at least twenty four cartridges; and each private of a rifle company, with a rifle, pouch and powder-horn.

Volunteer companies to be mustered with their regiment.

SEC. 40. Each company of cavalry, artillery, light infantry, grenadiers, and riflemen, shall meet and exercise with their respective regiments and battalions, as other companies are required to do, and be posted as the commanding officer may direct.

Additional light companies authorized.

SEC. 41. In all cases where it may appear to the field officers of any regiment, that it would be for the promotion of discipline, to organize more light companies therein, than are above provided for, the commandant of such regiment, may authorize any person to raise and organize one or more light infantry or rifle companies, in such regiment, which, when organized, shall be governed in all respects as other light companies are; but no election shall be ordered for officers of any such company, until it shall have fifty members completely uniformed and equipped.

Hour of parade, 10, A. M.

SEC. 42. All commissioned, non-commissioned and staff officers, musicians and privates, shall appear and parade, as they shall severally be ordered by the provisions of this act, at ten o'clock, A. M. on the several days of parade; and it shall be the duty of the adjutants of regiments, to attend all regimental, battalion and regimental drill musters, call the roll of commissioned and staff officers at the two former musters, and at the latter, that of the commissioned, non-commissioned and staff officers, and note the delinquencies, whether as to absentees, uniforms, arms or accoutrements, and make return thereof to the next regimental court of assessment: *Provided*, That none of the staff, save the adjutant, sergeant-major, and drum and fife majors, shall be required to attend battalion musters.

Adjutant shall attend, call roll and note delinquencies.

What staff shall attend battalion musters. Major-generals shall visit regiments, triennially. Brigadiers, biennially and give instructions. Fines. On commandant of division

SEC. 43. It shall be the duty of major-generals to visit the several regiments in their respective divisions, once in every three years; and of brigadier-generals, to visit the several regiments in their respective brigades, once in every two years; and severally, to give such instructions, touching discipline, as either may deem necessary and proper.

SEC. 44. The following forfeitures and penalties shall be incurred for delinquencies, to wit: By the commandant of

a division, for neglecting any of the duties enjoined on him by law, not less than twenty, nor more than two hundred dollars, for each neglect: By the commandant of a brigade, for each neglect of duty, not less than fifteen, nor more than one hundred and fifty dollars: By the commandant of a regiment, for each neglect of duty, not less than ten, nor more than one hundred dollars: By a lieutenant-colonel or major, for each neglect of duty, not less than eight, nor more than eighty dollars: By the commandant of a company, for each neglect of duty, not less than five, nor more than fifty dollars: By any subaltern officer, for each neglect of duty, not less than four, nor more than forty dollars: By the adjutant-general, quarter-master-general, or aid to the commander-in-chief, for each neglect of duty, not less than ten, nor more than one hundred dollars: By an aid-de-camp to a major, or brigadier general, quarter master, or inspector of division, or brigade, for any neglect of an order of his superior officer, or of any duty enjoined on him by this act, not less than eight nor more than eighty dollars: By all other officers, for any neglect of duty not herein specified, the same penalties and forfeitures prescribed for similar offences, by officers of like rank: By a non-commissioned, company, or staff officer, for the neglect of any duty not herein specified, not less than two, nor more than twenty dollars: By a non-commissioned company officer, or musician, for failing to attend any regimental, battalion, drill or company muster, during the whole time such regiment, battalion, drill or company may be on parade, not less than one, nor more than two dollars: By any private, for failing to attend a regimental, battalion or company muster, during the whole time such regiment, battalion, or company may be on parade, fifty cents: By a general officer, for failing to attend any muster, with arms, as is required by this act, the sum of ten dollars: By a field officer, so failing, the sum of five dollars, and by a company, or regimental staff officer, the sum of two dollars: By a non-commissioned officer or private, attending any muster of his regiment, battalion or company, without a sufficient rifle, musket or fusee, twenty five cents: which fines shall be assessed, levied and collected, as is in this act prescribed: *Provided*, That the commandants of companies shall not return any member of their respective commands, as a delinquent, for not carrying fire arms, when such person is not the owner or possessor of a gun.

SEC. 45. It shall be the duty of adjutants, at regimental and battalion musters, to note each article of uniform which any commissioned officer may lack, and report the same to the next court of assessment for the regiment; and at company musters, it shall, in like manner, be the duty of commandants of companies, to make like note, and report the

Of brigade.

Of regiment.

Lieutenant colonel and major.

Commandant of company.

Subalterns. Staff of commander in-chief.

Aids, quarter-masters and inspectors of division or brigade.

Officers not enumerated.

Non-commissioned company & staff officers.

Non-commissioned officers failing to attend musters.

Musicians and privates.

Officers for attending muster without arms.

Non-commissioned officer or private for the same.

Proviso.

Adjutant shall note delinquencies as to equipments. Commandant of company shall note

want of arms &c. at company musters. same as aforesaid; and a fine of not less than fifty cents, nor more than one dollar, shall be imposed upon the officer not being in full uniform, for each article he may lack as aforesaid.

Parent or guardians shall pay minor's fine. SEC. 46. If any person under the age of twenty one years, being subject to the control of a father, guardian or master, shall be fined pursuant to the provisions of this act, such father, guardian or master, shall be bound to pay such fine, which shall be collected as if such father, guardian or master were the delinquent.

Officers shall obey orders and next in rank shall command. SEC. 47. All officers, of every grade, shall implicitly obey the orders of their superiors, and in case of absence, death, or inability of any officer, the next in rank shall take the command, and discharge the duties of such superior, during such absence, vacancy or inability.

Misbehaviour to officers, a person may be ordered under guard. SEC. 48. If any non-commissioned officer, musician, private or by-stander, at any muster or meeting of officers required by this act, shall misbehave, the commanding officer, or superior officer present, may order such non-commissioned officer, musician, private or by-stander, under guard, for any length of time not exceeding four hours: *Provided*, That such person shall not be kept under guard, after the said muster or meeting shall have been dismissed, and may report him to the next court of assessment, which court may fine him in any sum not exceeding five dollars.

Proviso. SEC. 49. If any officer, at any regimental muster, or on any other occasion, when the regiment, battalion or company to which he belongs, or any detachment or part thereof, in which he may hold a commission, shall be paraded in arms, or at any drill muster, or at any other meeting of officers, shall misbehave, or demean himself in an unofficer like manner, or shall neglect or refuse to obey any orders of his superior officers, he may for every such offence, be cashiered, or suspended from command, or fined according to the provisions of this act.

Appointment of judge advocate & provost-marshal. Judge-advocate's duty to record proceedings. SEC. 50. Judge advocates and provost marshals, shall be appointed by the courts martial which may be hereinafter authorized for the trial of officers. It shall be the duty of the judge advocate to take and keep a true statement of all proceedings, whether pleadings, defences, or evidence, made or adduced before a court martial; a fair copy of which, after having been signed by the president of the court, shall be delivered to the officer ordering the court martial, within twenty days after the adjournment of such court. It shall also be the duty of such judge advocate, to prosecute the accusation or charge, on behalf of the state, but he shall so far consider himself as counsel for the person accused, as to object to any leading question being put to the accused, or to any witness, the answer to which might tend to criminate

Prosecute accusations, &c.

him. The provost marshal shall attend, and execute the orders of the court. Provost-marshal's duty.

SEC. 51. Courts martial shall be appointed for the trial of officers for the neglect of duty, disobedience of orders, unofficer-like conduct, or any disorderly or ungentlemanly behaviour, while on parade, or on duty. Courts martial.

SEC. 52. General courts martial shall be ordered by the commander-in-chief, when and where he may think necessary. Such courts shall consist of one major general, who shall be president thereof, and of twelve additional members, at least two of whom shall be brigadier generals, and the others field officers. Gen'l courts martial.

SEC. 53. Division courts martial shall be ordered at the discretion of the major generals, and shall be composed of a brigadier general, who shall preside, and of twelve additional members, two of whom, at least, shall be colonels, and a majority of the others field officers. Division courts martial.

SEC. 54. Brigade courts martial shall be ordered by the brigadier generals, in their discretion, and shall be composed of a president, who shall be a colonel, and twelve additional members, two, at least, of whom shall be field officers. Brig. courts martial.

SEC. 55. Regimental courts martial shall be ordered in the discretion of commandants of regiments, and shall be composed of a president, who shall be a lieutenant colonel or major, and of six additional members, at least two of whom shall be captains. Regimental courts martial.

SEC. 56. In all courts martial, whether general, division, brigade or regimental, when the full number of officers appointed to compose the same shall fail to attend, the court shall proceed to trial, if a majority of the officers composing the said court shall be in attendance. No exception or challenge shall be made to the president of such courts, but any member thereof may be excepted to, for good cause shewn, to the satisfaction of the court. The proceedings of any of the courts martial, ordered under this act, shall be approved or disapproved by the officer ordering the same, and if the sentence should be disapproved, he shall return the proceedings, with his objections, to the president of the court, within twenty days, who shall again convene the court, and the said sentence shall be reconsidered, and if thereupon the court shall adhere to their first opinion, such sentence shall stand confirmed; and the officer ordering the said court, shall issue his order dissolving the same, and publishing the sentence thereof, subject however to an appeal to the officer next highest in rank; and in case of a division court martial, to the governor, for final confirmation or reversal: *Provided*, that the sentence of a court martial, shall not be set aside or reversed, for the want of any formality, or particular form of proceeding, or for the want of

Majority of officers may hold court.

No challenge to president.

Approval or disapproval of sentence.

Reconsideration.

Appeal.

Informality shall not vitiate sentence.

any technical term, if it shall appear upon the face of the proceedings of such court, that the party or parties have had a fair and equitable trial, on the merits of the case.

Who shall be tried by the several courts martial.

SEC. 57. In general courts martial, none shall be tried, below the grade of a general officer, or the adjutant, or quarter master general. In division courts martial, none shall be tried below the grade of a field officer or division staff. In a brigade court martial, the field officers and brigade staff may be tried, or a captain, for good cause shewn. In regimental courts martial, all officers below the grade of a field officer, as well as the regimental staff officers, may be tried.

Judge-advocate's oath.

SEC. 58. Upon the convening of the courts herein directed, the president thereof shall administer to the judge advocate, the following oath or affirmation: "You do solemnly swear (or affirm) that you will truly and faithfully execute the office of judge advocate, to this court, so long as you remain in office, to the best of your abilities, and according to the laws of this state and of the United States, and that where secrecy is required you will not disclose or discover the opinion of any court martial wherein you serve, unless to the commanding officer, until he has approved or disapproved thereof, nor will at any time disclose or discover the opinion of any particular member of the court martial, unless required to give evidence in a court of justice:" which oath shall be deemed a competent qualification to such judge advocate, whilst he continues to act; and the judge advocate shall proceed to qualify the president and members, by administering to them the following oath or affirmation: "You and each of you do swear (or affirm) that you will well and truly try and determine, according to evidence, agreeably to justice and the best of your understanding, and the laws of this state and of the United States, between the state of Indiana and the prisoner to be tried, and that you will not disclose the opinion of the court martial, when secrecy may be required, until made public by the proper officer; nor will you at any time, disclose the vote or opinion of any particular member thereof, unless called upon to give evidence by a court of justice." Whereupon the court shall proceed to business laid before them, and adjourn from day to day, until it is finished; of which a complete record shall be made, and signed by the president, and the court shall be adjourned. Upon the disclosure of the opinion or sentence of any court martial, any person may according to the directions of this act, appeal therefrom, by filing a written notice with the officer to whom the appeal is made, within thirty days after the sentence is published; and whose duty it shall be, to order up before him the proceedings of such court, for a fi-

Oath of president & members.

Court may adjourn. Record.

Appeal.

nal decision, which shall be given within thirty days thereafter: *Provided, however,* That if a majority of the officers ordered on any court martial, under the provisions of this act, shall fail to attend, such officers as may attend shall adjourn to any day, not exceeding ten days at any one time, and compel the attendance of absent members.

Adjournment for failure of officers to attend.

SEC. 59. Any person having cause of complaint against any commissioned officer, shall lodge with the commander-in-chief, major general, brigadier general, or commandant of a regiment, as the case may be, the charges, certified in form, and make oath before a judge advocate or justice of the peace, that the charges, which he is about to exhibit, are true to the best of his knowledge and belief; upon which an inquiry or arrest, at the discretion of such officer having the power to order the same, may be awarded: *Provided,* That from the time of arrest, the court martial shall be ordered to meet within thirty days, of the time and place of which the officer arrested shall have at least fifteen days notice, as well as a copy of the charges exhibited against him: *Provided also,* That if upon the meeting of such court, it shall appear from the absence of witnesses, inability or sickness of the parties, or for any good cause shewn, a fair and impartial trial could not then be had, they may adjourn the court to some future day, not exceeding three months, at any one time.

Charges against officers, how preferred

Arrest.

Court shall meet within thirty days after arrest. Notice and copy to officer

Adjournment.

SEC. 60. The commanding officers of regiments, are hereby authorized and directed, to call courts martial or courts of inquiry at any time, when it may appear necessary to try persons failing to do duty, or delinquents of any description, or for the trial of any non-commissioned officer or private, who may hereafter desert from the service of the U. States or this state, or to excuse any person disabled, or for other cause, from doing militia duty during their inability: *Provided,* nothing herein contained, shall be so construed, as to alter the time of the annual meeting of the court of assessment.

Courts martial and of inquiry may be called at any time.

Proviso.

SEC. 61. The judge-advocate of every general, division or brigade court marshal, which may be instituted under the provisions of this act, shall be allowed the sum of one dollar per day, by the said court, which shall be certified by the president thereof; and each witness attending on such court, shall be allowed fifty cents per day for such attendance, with an addition of six cents per mile, for going to and returning from said court. The provost marshal, for attending such court, shall be allowed one dollar per day, to be certified as aforesaid, which shall be paid out of the fund created by fines for delinquencies of the division, brigade or regiment, (as the case may be) to which the officer or private, who may be tried, shall belong.

Compensation to judge-advocate.

To witnesses.

To provost-marshal.

SEC. 62. A court for the assessment of fines and receiv-

Court of assessment of fines, when held, and of whom composed.

Shall try delinquents.

May adjourn.

President shall sign record.

Oath of judge advocate.

Oath of members.

List of fines, assessed.

Courts of appeals, of whom composed, & when & where to be held.

ing the returns of delinquents, shall be held for each regiment, on the first Monday in November, in every year, which court shall be composed of a majority of the captains of such regiment, the oldest of whom present shall be president of the court: *Provided however*, That from a vacancy or absence of any captain, the next officer in rank in such company shall attend; which court, with the regimental judge-advocate and provost marshal, may proceed to business; but in case the judge-advocate fails to attend at any court of assessment, the court may appoint one *pro tem*: all other commissioned company officers may attend, who *ex officio* shall be members of said court, which court shall examine all returns laid before them, and order the delinquents called, to shew cause, why judgment should not be awarded against them, and deliver their opinion in every case to the judge-advocate, who is hereby directed to make a fair record thereof. They shall have power to adjourn, from day to day, to compel the attendance of absent members, and when their business is completed, the president shall sign the record of their proceedings, and the court for that year shall be dissolved: *Provided*, That previous to their proceeding to business, the president shall administer to the judge-advocate, the following oath or affirmation; "You do solemnly swear, (or affirm) that you will truly and faithfully execute the duties of judge-advocate to this court, so long as you remain in office, to the best of your abilities, and according to the laws of this state;"—which oath shall be deemed competent to such judge-advocate whilst he continues to act. The judge-advocate shall then proceed to qualify the members by administering to them the following oath: "You and each of you do swear (or affirm) that you will well and truly and diligently, inquire of, and decide upon the several delinquencies reported to you, and in every case decide according to law, and the best of your skill and understanding, without favour or hope of reward: So help you God."

SEC. 63. The judge-advocate shall make out separate lists of the persons fined in each company, at the regimental court of assessment of fines, setting forth the particular causes for which each individual was fined, with the amount thereof, which he shall cause to be delivered to the commandants of the proper companies, within ten days after such court, a copy of which the said commandant shall forthwith cause to be set up at the usual place of mustering his company, noting therein the time and place of holding the court of appeals; and it shall be the duty of the colonels, lieutenant-colonels and majors, to meet at or near the usual place of holding the regimental musters of their respective regiments, as early as may be convenient, on the first Mon-

day of December annually, and they or any two of them, shall proceed to hold a court of appeals, at which the judge-advocate shall attend and record the proceedings, and lay before the said court; the proceedings of the last court of assessment. In cases where it shall be made to appear to the satisfaction of said court, that justice has not been done before the court of assessment, they shall have power to remit the fines assessed by said court as well as in cases where the party failed to attend any muster, in consequence of the sickness of himself or family, or where he was absent from home on necessary business, or where any unavoidable accident has prevented his attendance. Whenever it shall happen that the court of assessment or court of appeals, shall neglect or fail to meet and perform the duties enjoined on them by this act, at the times specified in the same, it shall be the duty of the commandant of the regiment, at any other time, to order said court to meet, and to cause the companies of his regiment to be notified of such meeting, by advertising the same in one or more public places in each company; and the court of assessment or appeals, (as the case may be) when met as last aforesaid, shall be invested with the same power, and be subject to the same rules, as though such court had met at the time pointed out in the foregoing provisions of this act.

SEC. 64. It shall be the duty of each regimental court of appeals, to designate some constable living within the bounds of the regiment, to collect the fines not remitted by them, and the judge-advocate of each regiment, shall make out two fair lists of the names of the persons fined in their respective regiments, whose fines have not been remitted by the regimental court of appeals, with the amount of fine assessed against each individual; which said lists shall be certified, signed and sealed by the commandant of such regiment, and attested by the judge-advocate thereof; one of which lists shall be by the judge-advocate, delivered to the paymaster of the regiment, to be by such paymaster kept, to enable him to settle with the constable who may be appointed collector, for the use of those who may be concerned in the same. And in case the constable so appointed by the court of appeals, shall refuse to serve as collector of the fines so assessed, the paymaster may select any other constable living in the bounds of the regiment, to collect said fines. The other list shall be delivered by the paymaster, to the constable so appointed by the court of appeals, or in case of his refusal, to the one he may select in the bounds of the regiment where such delinquents may reside. And the said constable so appointed, shall receive the same and collect the fines therein specified, under the same law, rules and regulations, as he would, if the said list was an execu-

Court of appeal may remit fines.

Court of assessment or appeals failing to meet, may be ordered at any time

Court of appeals shall designate a constable to collect fines.

Lists of fines, how attested and disposed of.

How constable shall proceed to collect.

Effect and operation of list of fines.

Constable shall make return to paymaster in ninety days. Constable may be required to give bond.

Alias or pluries list may be issued, and its effect.

Constable shall pay over money collected and take paymaster's receipt.

Constable's fees for collecting.

No fees for fines not collected.

Suit against constable for failing to return list or pay over money.

tion regularly and legally issued on a regular judgment at law, against the goods and chattels of such delinquent or delinquents; and further, such list shall not only operate as a *fiery facias*, but shall in each and every stage thereof, legally, fully, completely and to all intents and purposes, operate as a writ of *fiery facias*, *venditioni exponas*, and *capias ad satisfaciendum*, as the said constable may have necessity to use it, during the progress of the collection of such fine or fines, and such constable shall make return of all such lists so delivered to him, together with his proceedings thereon, to the paymaster of such regiment, in ninety days from the date of the same: *Provided*, That whenever said court of appeals deem it necessary or expedient, they are hereby authorized and required, to exact from the constable receiving such list of fines, or any list of fines to collect, an additional bond with good security to their acceptance, in a penalty of double the amount of fines to be collected, conditioned for the faithful accounting for the same, and discharging his said duty according to law.

SEC. 65. If such constable shall fail to collect such fine or fines, on the first list so delivered to him, or any part thereof, the paymaster shall give notice thereof to the judge-advocate, who shall issue an *alias* or *pluries* list of all such fines or part of such fines as may remain uncollected, and deliver the same to the paymaster, who shall deliver the same to the proper constable, who shall proceed thereon, as in the first of such lists; and any such *alias*, *pluries* or other list, shall have the same force and effect, as the first of said lists had.

SEC. 66. It shall be the duty of such constable, at the time he returns such lists, or any of them, to the paymaster, to pay over to such paymaster, all monies by him collected thereon, and take such paymaster's receipt therefor, which receipt shall specify the amount so paid over, and from whom collected, and what for; which receipt, or a true copy thereof, shall be left with the judge-advocate by such constable.

SEC. 67. It shall be the duty of such constable, when he collects any such fines, to collect from each delinquent, the sum of twenty-five per centum on the fine; which said twenty-five per centum, the constable may keep as his fees, which shall be in full for all services in the performance of such collections: *Provided however*, That if such constable does not collect the fines aforesaid, from such delinquents, he shall recover no compensation whatever.

SEC. 68. If any constable shall fail to make return of any such list or lists, so delivered to him as aforesaid, on the return day thereof, or shall fail to pay over any monies by him collected thereon, it shall be the duty of the paymaster to employ the prosecuting attorney of the district, or any other at-

orney he may think proper to select, to bring a suit on the official bond of such constable, in the name of the state of Indiana, on the relation of such paymaster, for the use of the regiment in which such fine or fines were collected, for the damage which may have been sustained, by the failure of any constable to return such list or lists, or to pay over the monies so collected, and the court shall render judgment for the amount that such constable may appear liable for, and ten per centum damages thereon and costs of suit; on which judgment there shall be no stay of execution.

SEC. 69. In all cases where there may be, within the bounds of any company, persons conscientiously scrupulous of bearing arms, it shall be the duty of the commandant of such company, to make a list of all such persons, which list, signed by such officer, shall be delivered annually, to the regimental court for the assessment of fines, by the officer making the same, and fines shall be assessed by such court, against the persons named upon such list, as near as may be, to the lowest fine assessed against others, for refusing or failing to attend the regimental, battallion and company musters, by such court: *Provided*, That such persons, conscientiously scrupulous of bearing arms as aforesaid, shall have the privilege of appearing before such court for the assessment of fines, and making any defence, against the assessment of such fines, which might be made by any other person, and may also take an appeal to the regimental court of appeals as in other cases: *And provided also*, That such conscientious persons shall not be taken and made a part of the numerical force of the company, within the bounds of which they may reside, in time of peace, but shall constitute a part of such numerical force, when such company shall be called upon to furnish men for actual service; and commandants of companies, in making a return of the strength of their respective companies, shall deliver to the commandants of their regiments, respectively, a list of the persons conscientiously scrupulous as aforesaid, who may reside within the bounds of their respective companies; which list shall be, by the said commandants of regiments, entered in the regimental book, and make a detail on such companies, for actual service, accordingly.

SEC. 70. The list of fines, assessed by the courts for the assessment of fines, against persons conscientiously scrupulous of bearing arms, shall be recorded in the regimental book, separately and apart from other fines; and it shall be the duty of the judge-advocate, to make three fairs lists of the fines assessed as aforesaid, and not remitted by the court of appeals, and the senior officer of the court of appeals shall sign the same, and deliver one list to the paymaster of the proper regiment, and transmit one to the treasurer of state.

Judgment & ten per cent. No stay of execution.

Conscientious persons, fines against, how assessed and collected.

Conscientious persons may defend before courts of assessment and may appeal.

Shall not be taken as part of militia force in time of peace.

Commandant of company shall return list of conscientious persons, &c.

Lists of conscientious fines, how disposed of, and how collected

and deliver one to some constable of the county within which such conscientious delinquents may reside; which constable shall be selected by the said courts of appeals; and such list, so signed as aforesaid, shall be a sufficient warrant for such constable to collect the fines therein specified, of the persons against whose names the same may respectively stand, and twenty-five per cent. thereon, for his costs in the premises; and it shall be his duty to collect the same, in the same manner, and under the same restrictions, as are prescribed by this act concerning the collection of other fines; and in all cases when the constable shall sell the property of such conscientious persons, and any residue of money shall remain in his hands, after paying such fine as aforesaid, with legal costs, and the owner of the property sold shall refuse to accept such residue, it shall be the duty of such constable to pay the same over to the county treasurer, who shall credit such person therewith, and the same shall be applied to the use of such person, in discharging any fine assessed against him, under the provisions of this act, at any subsequent time or times, and the costs of collecting the same: And the constable, on paying over the said money, shall deliver to the said treasurer, a written statement thereof, containing the names of the persons to whom the same may belong, with the amount due to each respectively, and shall take an oath, that such statement is just and true, to the best of his knowledge and belief; which oath or affirmation, shall be written on, or attached to the statement aforesaid, and shall be filed by the said county treasurer, who is hereby authorized to administer such oath or affirmation. And all fines collected under the provisions of this act, shall be paid over to the paymaster of the proper regiment, as other fines are paid; and it shall be the duty of such paymaster, to pay the same over to the treasurer of state, to be applied according to the third section of the ninth article of the constitution of this state; and in all cases, if any paymaster shall fail to pay over the monies, so collected as aforesaid, to the treasurer of state, within sixty days after he shall have received the same, the said treasurer of state, shall institute suit, for the recovery thereof, upon the bond of such paymaster; and if any constable shall fail to make return of the lists of fines, above in this section named, at the proper time, or make a false return thereof, or neglect to collect the sums of money thereby authorized to be collected, or fail to pay over such monies when collected to the proper paymaster, the said paymaster shall institute suit upon the bond of such constable, against him and his securities; which suits upon the bond of the said paymaster, shall be instituted upon the relation, and for the use of the said treasurer, and the said suits against said constables, shall be instituted upon the

To be collected as other fines.

Residue on sale of property, how disposed of.

Conscientious fines to be paid over to state, and how applied.

Suit against paymaster for failure to pay over conscientious fines. Against constable for same, or false return or failure to collect.

relation, and for the use of such paymasters; and the said treasurer of state, or paymaster, on being informed of any of the neglects or failures or causes of action aforesaid, shall forthwith place the bonds of such defaulters, in the hands of the prosecuting attorney of the proper circuit, or such other attorney as he may employ, who shall institute the necessary suit or suits, without delay; and the courts, in rendering judgment against such defaulting paymaster or constable and their securities, shall add ten per cent. damage on the amount due, to accrue to the state, and six per cent. on the whole amount of recovery, for the use of the attorney prosecuting such suit.

SEC. 71. That when any persons conscientiously scrupulous of bearing arms, hold their property in common, it shall be the duty of the collector of fines, to seize upon any property he may find in the possession of any of the persons so holding property in common, or upon any property belonging to the community or society, to which the person or persons owing such fines may belong.

SEC. 72. The paymasters of regiments, shall attend their regimental courts of appeals, and lay before such courts, a statement of the finances of the regiment, stating particularly, all monies received, and paid out. And commandants of regiments shall not deliver to any person, a warrant or appointment to act as paymaster, nor permit any one to act as such, until he shall have executed bond, payable to the state of Indiana, with security, to be approved of by such commandants, conditioned for the faithful discharge of his duty as such, and for the payment of all sums coming into his hands, by virtue of his said appointment, according to law; which bond shall be filed, by such commandants, in the office of the clerk of the court, and a copy thereof shall be transmitted by such clerk to the treasurer of state. Regimental judge-advocates shall attend all courts of inquiry, and for the assessment of fines, and courts martial for their respective regiments, take minutes of their proceedings, receive all returns from the commandants of companies in their regiments, and record the names of persons fined by the courts of assessment of fines, together with the cause and amount thereof; and all judge-advocates are hereby authorized to administer any oath or affirmation, which may be necessary to carry into effect the provisions of this act. It shall be the duty of the brigade-inspectors, to attend the regimental musters in their respective brigades, and inspect the arms and accoutrements, and report the deficiencies thereof to the brigadier-general, and execute his orders. The brigade-inspector shall be allowed the sum of five dollars, for each regiment he shall inspect, to be paid by the paymaster of the different regiments, on the order of the colonel thereof.

Treasurer of state shall sue for any failure

Judgment & 10 per cent. and 6 per cent. to attorney.

Property held in common liable for conscientious fines.

Paymaster's duty.

Paymaster's bond, to be filed in clerk's office and a copy sent to treasurer of state.

Regimental judge-advocate's duty.

Judge-advocate may administer oaths

Brigade-inspector's duty

Compensation to judge-advocates, & drum and fife-majors.

SEC. 73. The regimental judge-advocate shall be allowed ten dollars annually, as a compensation for his services required by this act; the drum and fife-major, shall each be allowed the sum of one dollar per day, for each day they shall attend any drill, regimental or battalion muster; and all other musicians shall be allowed one dollar per day, for their attendance at regimental, battalion or company musters. The provost-marshal, shall be allowed one dollar per day for his attendance at any regimental military court, to be paid by the paymaster of the proper regiment, on the order of the commandant thereof. And any monies remaining in the hands of the paymaster, after discharging the above claims, may be applied, under the direction of the field officers, to the purchase of drums, fifes and colors for the use of the regiment.

To provost-marshal.

Monies how appropriated.

Commandant of company may discharge from muster roll, for age & receive excuses for non-attendance.

SEC. 74. It shall be lawful for the commandants of companies, to discharge any person from military duty, who may produce satisfactory evidence that he is forty-five years of age, or upwards; and such commandants shall not be bound to return as delinquent, any person for failing to attend any muster, if such commandants are satisfied that such person has a reasonable excuse, for so failing.

Non-commissioned officers when & how appointed.

SEC. 75. It shall be the duty of commandants of companies, to appoint their non-commissioned officers, in April, annually, and to fill vacancies as the same may occur; and no person shall be compelled to serve, as a non-commissioned officer, for a longer period than for one year at a time.

Exemptions from militia duty.

SEC. 76. The following persons shall be exempt from militia duty, to wit: all ferrymen, necessarily employed at a ferry, on a post road, and all preachers of the gospel, regularly ordained or licensed, according to the rules of their respective churches, during such time as they may continue in the exercise of the duties of their respective professions, and occupations.

Invalids, how exempted.

SEC. 77. All persons wishing to be exempt from militia duty, on account of bodily infirmity or disability, may apply to the surgeon of their regiment, whose duty it shall be to examine such applicant, respecting his alleged indisposition or disability, and if, in his opinion, such applicant is unable to perform militia duty, he shall certify to the next court of assessment such opinion, together with the name of the applicant, and the nature of his indisposition or disability; and such court shall examine such applicant, on oath, and if, in the opinion of the court, such applicant is unable to perform militia duty, the presiding officer of such court shall give him a certificate of exemption, to operate until his indisposition or disability be removed, and no longer; and in all cases when a detachment is ordered

into actual service, it shall be the duty of the commandant thereof, if requested, to order a board of officers to convene and examine applicants for exemption as aforesaid, and such board shall be governed by the foregoing provisions of this act.

Invalids in detachment for actual service how exempted.

SEC. 78. Commandants of companies shall, at the company musters, in April, in each year, make out a return of the strength of their respective companies, and after having copied the same into a book, to be kept for that purpose, shall deliver the same to the commandants of their respective regiments, on or before the first day of May, annually; and commandants of regiments shall make return of the strength of their respective regiments, to the brigadier-generals, on or before the first day of June annually; and brigadier-generals shall make return to the major-generals, of the strength of their respective brigades, on or before the first day of August, annually; and major-generals shall make return of the strength of their respective divisions, to the adjutant-general, on or before the fifteenth day of October annually. And in making such returns, the officers making the same are required to note particularly those arms which may, at any time either previous or subsequent to the passage of this act, have been received, in the course of the distribution of the quota of public arms accruing to this state, from the United States, distinguishing the same from arms belonging to individuals. And officers bound to make return as is above provided, shall, for failing to make such return, be liable to the following fines, to wit: A commandant of a company not less than five dollars, nor more than twenty dollars. A commandant of a regiment not less than ten dollars, nor more than forty dollars. A brigadier-general, not less than twenty dollars, nor more than eighty dollars. A major-general, not less than forty dollars, nor more than one hundred and fifty dollars; and the said commandants of regiments, shall cause to be arrested, each and every commandant of a company, who shall fail in returning the strength of his company, as is above directed, and at or before the time above specified; and brigadier-generals, shall in like manner cause to be arrested, any commandant of a regiment who may fail to make return of the strength of his regiment, as is above provided, and at, or before the time above named for the making thereof; and major-generals shall cause to be arrested, any brigadier-general who may fail to make return of the strength of his brigade, as is above directed, and at or before the time above specified for the making thereof; and if any major-general shall fail in making return of the strength of his division, at or before the time and in the manner above specified, the adjutant-general shall notify

Strength of companies to be returned to commandant of regiment, annually, and when.

Of regiment, to brigade-general.

Of brigade, to major-general.

Of division, to adjutant-general.

Returns shall notice arms received from United States.

Fines against officers for failing to make returns.

Officer failing to return strength of his command, shall be arrested.

What shall
excuse for
failing to
make return,
&c.

Forms of re-
turns.

the governor thereof, who shall cause such major-general to be arrested; and the said officers, ordering such arrest, shall, within thirty days after ordering the same, proceed to order a court marshal for the trial of such delinquent officer, according to the provisions of this act; and upon the trial of such delinquent officer, he shall be acquit, if it appear that no return was made to him, and that he notified the officer to whom he was bound to make return, that no such return was made to him, and also that he has caused each officer delinquent, in making return to him, to be arrested, and has ordered a court martial for the trial of such delinquent officer last named; nor shall any officer be arrested, if at any time previous to his arrest, he shall notify the officer, to whom he is bound, as is above specified, to make return, that he has not received any returns from his inferior officer or officers, and that he has moreover caused such inferior officer or officers to be arrested.

SEC 79. That the several officers whose duty it is to make annual returns, shall in making the same, be governed by, and observe the following forms, viz:

Return of the

Regt. Indiana Militia, commanded by Colonel

Field and staff officers.															Infantry						Riflemen.						Artillery.						Cavalry.																		
No. of battalions.	Colonel.	Lieutenant Colonel.	Major.	Adjutant.	Quarter-master.	Paymaster.	Surgeon.	Surgeon's mate.	Judge-advocate.	Sergeant-major.	Quarter-master sergeant	Drum-major.	File-major.	Forage-master.	Captains.	Lieutenants.	Ensigns.	Sergeants.	Corporals.	Musicians.	Privates.	Total.	Captains.	Lieutenants.	Ensigns.	Sergeants.	Corporals.	Musicians.	Privates.	Total.	Captains.	Lieutenants.	Ensigns.	Sergeants.	Corporals.	Gunners.	Bombardiers.	Musicians.	Privates.	Total.	Captains.	Lieutenants.	Cornets.	Sergeants.	Corporals.	Saddler.	Farrier.	Trumpeter.	Privates.	Total.	GRAND TOTAL.

Arms, Accoutrements and Ammunition.

Muskets.	Bayonets and belts.	Cartridge boxes.	Swords and belts.	Fuses.	Rifles.	Pouches.	Powderhorns.	Cartridges.	Loose balls.	Spare flints.	Lbs. powder.	Colours.	Espontoons.	Drums.	Fifes.	Trumpets.	Sabres, scabbards & belts.	Pistols.	Holsters.	Horses.	Knapsacks.	6 pounder field pieces.	Travelling carriages.	Limbers & amm'n boxes.	Trail handspikes.	Sponges and caps.	Rammers.	Ladles and worms.	Tompions.	Implement straps.	Lead aprons and straps.	Water-buckets.	Sets of wheel harness.	Bricoles and drag ropes.	Lint stocks.	Portfire stocks.	Tin tube boxes.	Tin portfire cases.	Powderhorns.	Lbs. cannon powder.	Rounds of shot.
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List of Staff Officers in the

Regiment, Indiana Militia.

Names.	Rank.	Date of commission.	Remarks.

Return of a company of

No.	Names.	Rank.	Date of commission.	Arms, Ammunition, &c.	Remarks.
				Muskets. Bayonets. Belts. Swords. Steel Rods. Cartridge Boxes. Fuses. Rifles. Pouches. Powder Horns. Cartridges. Loose Balls. Flints. Lbs. Powder. Colours. Esontoons. Drums. Files.	

Return of a company of CAVALRY, commanded by Captain in the Reg. Indiana Militia.

No.	Names.	Rank.	Date of commission.	Arms, Ammunition, &c.														Remarks.
				Horses Captured.	Prs. pistols.	Holsters.	Sabres.	Scabbards & belts.	Trumpets.	Knapsacks.	Colours.	Loose balls.	Lbs. powder.	Flints.	Cartridges.	Cartridge boxes.		

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Return of a company of ARTILLERY, commanded by Captain in the Regt. Indiana Militia.

No.	Names.	Rank.	Date of com- mission.	Arms, Ammunition, &c.																									Remarks.
				6 pound. field piece	Travel'g carriage.	Limb's, am. box's.	Trail handspikes.	Sponges and caps.	Hammers.	Saddles & worms.	Torpions.	Implement straps.	Lead ap. & straps.	Water buckets.	Sets of harness.	Bricoles & drg ro.	Lint stocks.	Portfire stocks.	Tin tube boxes.	Tin portfire cases.	Powder horns.	Lbs. powder.	Rounds of shot.	Swords and belts.	Espontoons.	Drums.	Fifes.		
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SEC. 80. Fines assessed by any general, division, brigade or regimental court martial, for the collection whereof no specific mode is pointed out in this act, shall be collected as follows, to wit: The president of such court shall issue his warrant, directed to the sheriff of the county within which the delinquent may be found, or within which he may have goods and chattels, commanding such sheriff to make the amount of such fine, and twenty-five per cent. thereon, as, and for the costs of such sheriff, of the goods and chattels of such delinquent, by distress and sale thereof, and for the want of such goods and chattels, to take the body of such delinquent, and him deliver to the jailer of said county, there to be detained until said fine and per cent. be paid, or he be otherwise discharged according to law; and another, or other like writs may issue, to be executed in like manner, until the whole of such fine and the per centum aforesaid be collected; which warrants shall be returnable to the officer issuing the same, in ninety days from the date thereof.

SEC. 81. All fines assessed, by any regimental court of assessment or court martial, shall be paid to the paymaster of the proper regiment, to be appropriated in paying regimental expenses; and all fines assessed by any general, division or brigade court martial, shall be paid to the officers who may have acted as president of such courts, respectively, to be by them paid into the state treasury; and the treasurer of state, upon receiving the same, shall credit the amount thereof, on the books of his office, to the proper division or brigade, or if the same may have been assessed at a general court martial, to the "general military fund;" and the same shall constitute a fund for the discharge of the contingent military expenses of the proper division or brigade, within which the same may have been assessed, or for the discharge of any state military expense, not otherwise provided for, if assessed at a general court martial, to be paid out upon the warrant of the commander-in-chief; and for such fines the said treasurer of state, may maintain an action for the recovery thereof, against any officer to whose hand the same may come, and his securities, if such there be.

SEC. 82. Officers receiving any list of fines, or warrant, authorizing the collection of military fines, shall proceed to levy upon property, and advertise the same for sale, and make sale thereof, in all respects as if the same were an execution issuing upon a judgment in a court of civil jurisdiction; and if necessary, execute the same as a writ of *capias ad satisfaciendum*, issuing out of such court of civil jurisdiction; and in any suit instituted against any such officers, on account of the collection, or attempted collection of such

How fines shall be collected by sheriff, on warrant of president of court martial.

Fine, how paid and appropriated.

To treasurer of state.

Military fund created, and how disbursed

Treasurer may sue for amount not paid over.

Fines may be collected as executions of n. fa. or ca. sa.

Officer levying fines, may justify under the general issue.

fines, or the execution of the process above named, the list or warrant aforesaid, appearing on the face thereof to be legal, shall be a sufficient justification for such officer, and such justification may be given in evidence, under the general issue; and in any suit instituted against any military officer, on account of the issuing, or delivery of any such list or warrant as is above designated, a proved copy of the proceedings of the court of assessments, or court martial, by which such fine may have been assessed, shall be a full justification, and it shall be sufficient to prove by parol evidence, that such court acted as such, and that the said officer being a defendant to such suit, was an officer *de facto*, at the time of doing the act complained of; and all special matters necessary to the justification of such officer, may be given in evidence under the general issue.

SEC. 83. All allowances for services heretofore or hereafter rendered, ordered to be paid out of the funds of any regiment, shall be paid in order, according to the date of their allowance, and upon being notified of any such outstanding allowance, the paymaster shall register the same, in a book to be kept for that purpose; and on the receipt of any money, such paymaster shall set the same apart for the payment of the oldest claims.

SEC. 84. The adjutant-general shall keep his office at the seat of government, and shall keep a fair record of all orders and communications, which he may, from time to time receive from the commander-in-chief, as well as of requisitions by him made, for commissions upon the secretary of state, and of all other business transacted in his office. He shall also receive from officers commanding divisions, annual returns of the strength of the militia, and lay the same before the commander-in-chief, on or before the first day of December, and transmit, under the direction of the commander-in-chief, a duplicate thereof to the secretary of war for the United States, and a copy thereof to each branch of the general assembly. He shall be allowed an annual salary of one hundred dollars.

SEC. 85. The quarter-master general, shall keep his office at the seat of government. He shall keep a fair record of all orders or communications, received from the commander-in-chief, and under the direction of the commander-in-chief, keep or cause to be kept, all arms and military stores belonging to the state, and all arms and military stores furnished by the United States, for the use of the militia of this state, causing the same to be distributed according to the provisions of this act, and directing the selection and transportation thereof, as the commander-in-chief may order, causing the officers, to whom the same may be delivered, to acknowledge the receipt thereof, and keep

Evidence on such trial.

Regimental claims to be paid in order.

Paymaster to register claims

Adjutant-general's office and records, where & how kept.

Shall receive division returns, lay them before the governor, and send a copy to secretary at war and general assembly. His salary.

Quarter-master-general & his duties.

Shall receive and distribute of arms, &c.

ing a record of all proceedings relative to the distribution of such arms, and of all business transacted in his office.

Governor shall make requisitions for United States arms, &c.

SEC. 86. The commander-in-chief is hereby required, to make requisitions, from time to time, upon the proper authority of the United States, for the quota of public arms accruing to this state, and cause the same to be transported to such place within the state, as to him may seem proper, and to place such as may not be assigned to any immediate use, under the control of the quarter-master general.

Quota of arms how distributed.

SEC. 87. The said quota of public arms, shall be so drawn, of the proper authority of the United States, that there shall be, including those already distributed, for each brigade, one six pounds field-piece, completely mounted and equipt, so many horseman's pistols, sabres and other cavalry equipage, as that including those already distributed, there may assigned to each brigade, calvary arms and equipments, sufficient to arm and equip one company of fifty men in each regiment; and all the residue of the said quota, shall be drawn and distributed in muskets, and other arms and equipments for infantry, to be distributed equally to the several brigades, in the manner hereinafter specified, in numbers to arm companies of fifty men or more: *Provided*, That the commander-in-chief, may, in lieu of such residue in muskets, make requisitions for one or more additional six pounder field-pieces, with the necessary mountings and equipments, on the application of the commandant of any brigade, which may be entitled to such residue of muskets.

Proviso.

Arms to be assigned to oldest uniformed company.

SEC. 88. That whenever the commander-in-chief shall have assigned any arms to any brigade, the quarter-master general shall notify the commandant of such brigade thereof, who shall forthwith assign the same to the oldest organized and completely uniformed company within his brigade, for which such arms may be adapted, and give to the commandant of such company, an order therefor, directed to the quarter-master general, who shall thereupon cause such arms to be delivered to the said commandant of such company, at any point within this state designated by such commandant, taking a duplicate receipt therefor, one of which he shall file and record in his office, and the other he shall transmit to the said brigadier-general.

Duplicate receipts for arms.

When an account of the arms of a company may be taken and reported.

SEC. 89. That when the commandant of a company, to whom public arms may be assigned and delivered, as is above provided, shall cease to command his company, or whenever for any other cause, in the opinion of the brigadier-general, the service of the state, and the preservation of such public arms require, he may order the brigade quarter-master to take possession thereof, and provide for the safe keeping thereof, until they be otherwise disposed of,

and shall also cause such quarter-master, with the assistance of the brigade-inspector, to take an inventory thereof, and report the same, and the order and state of preservation in which they may find such arms and the equipments belonging thereto, at the time when the said quarter-master may take possession thereof as aforesaid, which report shall be made to the brigadier-general. And it shall moreover be the duty of the quarter-master-general, forthwith after the publication of this act, to transmit to each brigadier-general, an inventory of the public arms, heretofore distributed to the militia, within the brigade of such brigadier-general, and also notify such brigadier of the names of the officers to whom such arms and equipments may have been delivered.

Quarter-master-general shall transmit to brigadier-generals, inventory of arms distributed within their brigades.

SEC. 90. Each brigadier-general within this state, shall, before the first day of November, in the year one thousand eight hundred and thirty-one, cause the quarter-master of his brigade, to institute an inquiry as to any public arms heretofore distributed within the brigade, commanded by such brigadier-general, and which may not be included in the inventory of such arms and equipments, above directed to be transmitted to such brigadiers, by the quarter-master general; and such brigadiers shall cause their quarter-masters of brigade, to take an inventory thereof, with the assistance of the brigade-inspector, and to make a report of the situation and state of preservation of such public arms to such brigadier-general, and to take duplicate receipts therefor from the commandants of companies, as is above in this act provided; one to be retained, and the other to be forwarded to the quarter-master-general. And any and all public arms, which may come into the possession of the quarter-master of any brigade, under the provisions of this section, shall be re-assigned by the brigadier-general, to the oldest uniformed company within his brigade, to whose use such arms may be adapted, and whose commandant will execute duplicate receipts therefor, as is above required and prescribed. And brigadier-generals shall cause the quarter-masters of their respective brigades, to transmit to the quarter-master-general, copies of all inventories of public arms and equipments, and of the reports of the situation and state of preservation thereof, and duplicates of all receipts taken, made and executed under the provisions of this section; which inventories, receipts and reports, shall be filed and recorded by the quarter-master-general.

Brigadier-general shall cause quarter-master to report to him & quarter-master-general, the state of public arms, &c. within each brigade, &c.

Arms coming to hands of quarter-masters may be re-assigned.

Quarter-masters shall send copies of inventories of arms and receipts to quarter-master-general.

SEC. 91. Quarter-masters of brigades, shall safely keep and preserve, all public arms and equipments, bonds, inventories, reports, receipts and other documents relative to the distribution or safe keeping of such public arms and equipments, and they, or their representatives, shall be bound to

Quarter-masters shall preserve arms, receipts, &c. and deliver to successor.

deliver the same to the successor of such quarter-masters, taking a receipt for the same, and shall be thereupon discharged from all liability in the premises.

Governor shall report to general assembly, annually, account of arms rec'd from United States, how distributed, &c

SEC. 92. The commander-in-chief is hereby required to report annually, to the general assembly, during the second week of the session thereof, the amount of public arms received from the United States, and the description thereof, and the manner of the distribution thereof, and to what brigades the same may have been assigned; and he is hereby authorized to call upon the quarter-master-general, for any information necessary to enable him to make such report.

Expense of transportation of arms, how audited and paid.

SEC. 93. All expenses necessarily accruing in the distribution, assignment, and preservation of public arms, under the provisions of this act, or in the safe keeping thereof, by the quarter-master-general, or the quarter-masters of brigade, shall be paid out of the state treasury, to be audited upon the certificate of the commander-in-chief, if such expense may have accrued previous to the delivery of such public arms, to the commandants of companies, and upon the certificate of the proper brigadier-general, if such expense shall have accrued after such delivery.

Quarter-master-general's salary. Infantry tactics, and exercises of field artillery, how distributed.

SEC. 94. The said quarter-master-general shall receive an annual salary of fifty dollars.

SEC. 95. It shall be the duty of the commander-in-chief, to cause the adjutant-general to distribute the copies of the "Abstract of Infantry tactics, including exercises and manœuvres of light infantry and riflemen, for the use of the militia of the United States,"—and of the "System of exercise and instruction of field artillery, including manœuvres for light or horse artillery,"—lately furnished for the use of the militia of this state, by the United States in the following manner, to wit: one copy of each to the state library; one copy of the said "Abstract of tactics for the use of infantry and riflemen," to each major and brigadier-general, and to each division and brigade-inspector, and moreover to each brigadier-general one copy for the use of each field officer, adjutant and captain, or commandant of company, within the brigade of such brigadier-general, and one copy for the use of the subaltern officers of each company within such brigade, and one copy of the "System of exercise and instruction of field artillery, including manœuvres for light, or horse artillery," for each major and brigadier-general, and for the use of each commissioned officer of artillery within such brigade; which copies shall be delivered to such brigadier-generals, or transmitted to them, upon their filing in the office of the adjutant-general, a requisition therefor, with a roster annexed, of the number of field officers, adjutants and commandants of companies in commission within

Books to be sent to brigadier-generals on their requisition, by adjutant-general.

their respective brigades, and the number of companies, the subaltern officers of which, or any one of them, are in commission; upon which requisition, such brigadier-generals shall receipt for the number of each of the above copies delivered to them, specifying the number of each particularly. And whenever any new regiment shall be formed within the bounds of a brigade, the brigadier-general shall cause a roster of the number of the field officers and adjutant, to be made, as is above provided, and make requisition as is above prescribed, for copies of the above named "abstract," receipting for the same as is above directed; and in like manner, upon the organization of any new company, the brigadier-general shall make like roster and requisition, for the proper number of the above named "abstract," or "system" according to the character of the corps. And upon the formation of any new brigade or division, the adjutant-general shall deliver a copy of the above named "abstract" to the general officer commanding the same, and one copy for the use of the inspector of such division or brigade. And in all cases, the adjutant-general shall take a receipt for any of the above named copies by him delivered to any officer, under the provisions of this act.

Brigadier-general shall receipt for books. New reg'ts. shall be supplied with books.

New company supplied.

New brigade.

Adjutant-general shall take receipts for books distributed. Books, how distributed by brigadier-generals and receipts, how taken.

SEC. 96. Brigadier-generals, upon receiving the above named copies, shall deliver the same to the commandants of regiments, according to the number of officers entitled thereto, within such regiments, taking receipts therefor, specifying the number of each of the above named "abstract," and "system," to which receipt shall be annexed a roster of the number of the officers for whose use they are designed, and for the copy received for their own use, such commandants of regiments shall give a special receipt, binding themselves and their heirs and legal representatives, to return the same to such brigadier-generals, or their successors in office, whenever such commandants shall cease to hold their offices as such; and any of the said copies re-delivered to a brigadier-general, shall by him be delivered, under the provisions aforesaid, to the successor of the commandant of the regiment returning the same.

Copies to successors.

SEC. 97. Commandants of regiments having received the above copies, shall distribute the same, on demand, to the field officers, adjutants, commandants of companies, and subalterns entitled thereto, taking from each of those officers, a receipt therefor, to the same effect with the receipts above directed to be given by such commandants of regiments, for copies received for their individual use to brigadier-generals, and taking from subalterns, entitled to the joint use thereof, a like joint receipt for the same, or if they or either of them decline receiving and receipting for the same jointly, the same shall be delivered to the subaltern

How distributed by commandants of regiments and receipts, how taken.

highest in rank, who will receipt for the same, as is above prescribed.

Receipts for books, how taken and where filed.

Suit authorized, for failure to return book to proper officer, &c.

Damages recovered, how appropriated.

Requisitions on division, for men.

Requisitions on brigade.

Requisitions on regiments.

Company classifications how made out

Manner of drawing.

SEC. 98. The said receipts, above directed to be taken, for the said copies, shall be in the name of the state of Indiana, and those given by general officers shall be filed in the office of the adjutant-general, and those given by commandants of regiments, field officers, adjutants, and company officers, shall be filed with the judge-advocate of the proper regiment; and upon the failure of any officer, or his legal representatives, to return the same to the officer from whom he may have received the same, upon his ceasing to hold his office, it shall be the duty of the officer to whom the same ought to be returned, to institute a suit in the name of the state, against such defaulter, or his legal representatives, and in an action of trover for the same, he shall recover three dollars and costs, which sum of three dollars shall be expended in the purchase, and transportation of a copy of the said "abstract" or "system" for the use of the successor of such defaulter, which shall be delivered and receipted for as is above prescribed.

SEC. 99. It shall be the duty of the major-general to receive from the adjutant-general, copies of requisitions of men, made by the governor, or general government, upon his division; and he shall without delay, make a detail on the brigades in his division, agreeably to the returns of strength of each brigade, and issue orders to the commandants of brigades accordingly.

SEC. 100. The brigadier-general shall receive from the major-general, copies of requisitions on his brigade; and make a detail on the regiments in his brigade, agreeably to the strength of the same, and give orders to the commandants of regiments accordingly.

SEC. 101. Commandants of regiments shall receive, of the brigadier-generals, copies of requisitions on their regiments, make a detail on the several companies, agreeably to the strength thereof, and give orders to the commandants of companies accordingly.

SEC. 102. It shall be the duty of the commanding officers of companies, to make out a list of the whole number of men in their companies, in the following manner, to wit: All those persons who have not performed a tour of military duty, shall be placed by lot first on the list; after them, those who have performed the lowest number of tours, and so on, placing those of the lowest number of tours next on the roll, until all have drawn their numbers; and in case of any being absent, or refusing to draw, the commanding officer shall draw for him or them absent or refusing; and when a draft is made on the company, the commandant shall begin with the first man on the roll, and call out the num-

ber required; and on a second draft, shall begin with the man on the roll whose name stands next to the last man of the former draft; and in this manner shall proceed through the roll; and when any person moves into the bounds of the company, if he produces to the commandant thereof, a certificate or discharge for a tour of duty performed by him, he shall be placed by lot among those who have performed a tour of duty, and if he produces no certificate of duty performed, he, as well as those who may from time to time arrive at the age of eighteen years, and be enrolled, shall be placed among those by lot, who have not performed a tour of duty: *Provided however*, That no such classification shall be made in any light company, organized under the provisions of this act, but such companies shall be called into service together, and under their own proper officers.

No such classification of light companies.

SEC. 103. Any person called on to serve a tour of duty, may be discharged therefrom, if he shall furnish a good, able-bodied militia man, as a substitute, to be approved by the commandant of the company under whom he may be ordered to march; and when a substitute shall be accepted, the commandant of the company under whom he shall be ordered to march, shall receipt for the same to the person furnishing such substitute, which shall be good evidence to the officer from whose company such militia man was drafted, that he is entitled to a credit for the time such substitute was accepted, which credit shall be entered in a book to be kept for that purpose; and any person, thus receiving a credit, shall not be called on to perform a tour of duty, until all the men in the company to which he belongs, shall have received a credit for a like tour of duty, performed by themselves or substitutes.

Substitutes admitted.

SEC. 104. When the militia of this state shall be called into actual service, either by this state or the United States, all general, field, and company officers, shall serve on tours of duty, agreeably to their respective ranks, as determined by law; and all regimental staff officers, shall take tours of duty with the commandants of their respective regiments; brigade staff officers with their brigadier-generals; and division staff officers with their respective major-generals; and non-commissioned officers of companies, as follows, to wit: the first sergeant, first corporal and musicians, to take tour with the captains of their respective companies; the second and third sergeants and second and third corporals, to take tour with their lieutenants; and the fourth sergeant and fourth corporal, with the ensign; all which officers shall serve when called on, six months, if not sooner discharged.

Officers to perform tours of duty agreeably to rank.

SEC. 105. When any detachment of the militia shall be called into service, the captain or commandant of each com-

Detachments of companies

to be marched
to place of
rendezvous.

pany, shall take care that his proportion of men are assembled, and marched to the proper place of rendezvous, under the care of a commissioned officer or sergeant, with a list of the men; which list shall be delivered to the adjutant of the regiment, and he shall make a roll of the whole, the rank of the non-commissioned officers, and the names of the privates; and when the detachment shall be completed, and placed under the proper officer, he shall attend them to the place appointed for the meeting of the detachments of the brigade, where the several adjutants shall deliver to the brigade-major, or the officer appointed to command the whole detachment, a complete roll, containing the names of the commissioned and non-commissioned officers and privates, composing the detachments from each regiment or battalion; and it shall be the duty of the officer appointed to the command of such detachment, to cause two complete rolls to be made out and certified under his hand, one of which rolls he shall transmit forthwith to the adjutant-general, and the other to the brigade-inspector.

Rolls of detachments,
how made
out, &c.

Desertion,
how punished.

SEC. 106. If any non commissioned officer or private, shall desert whilst he is on a tour of duty, if a private, he shall be fined in any amount, in the discretion of the court martial by whom he may be tried, not exceeding one thousand dollars, nor less than ten dollars, to which may be added imprisonment not exceeding three months, and shall also be compelled to march on the next tour of duty, under the same penalties as the first; if a non-commissioned officer, he shall be degraded and placed in the ranks, and shall be liable to pay such fine as a court martial, trying such non-commissioned officer, shall assess, not exceeding one thousand dollars, nor less than fifty dollars, and shall also be compelled to serve the next tour of duty as a private; and it shall be the duty of all commissioned officers in this state, to apprehend non-commissioned officers and privates, belonging to any detachment from this state, then in service, who had not a written furlough signed by the commandant of his company, and countersigned by the commandant of the detachment.

Officers to apprehend deserters.

Refusal to march, how punished.

SEC. 107. If any non-commissioned officer or private, after being legally notified, shall neglect or refuse to march on any tour of duty, armed and equipped as required by this act, unless notified that arms will be otherwise furnished, he shall forfeit and pay, for every such offence, the sum of twenty dollars, for each and every month he is by law required to serve on such tour; and it shall be the duty of the commandant of the company to which such delinquent belongs, within three days thereafter, to certify the same to the commandant of the proper regiment or battalion, who shall, within ten days after receiving such notice, or

der a board of five commissioned officers to convene, and shall give five days notice of the meeting of such board, by written advertisement set up within the bounds of the company where such delinquent resided, when notified, who shall hear and adjudicate on such delinquencies, and shall assess the penalty aforesaid, on each and every delinquent, who does not render to such board a sufficient excuse for such delinquency; and it shall be the duty of the judge-advocate of the regiment, to attend such board, and record all their proceedings; and in case of the absence or inability of such judge-advocate to attend such board, they shall appoint a judge-advocate pro tem. who shall perform the duties aforesaid; and when said board shall have assessed any such fine, the commanding officer of the regiment shall issue his warrant, directed to the sheriff or coroner of the county in which such delinquent resides, or his property may be found, commanding him to levy and collect said penalty, from the goods and chattels of such delinquent, after giving such notice thereof as is required by law, for the sale of property in other cases; and for want thereof, to take the body of such delinquent, and commit him to the common jail of the county, where he shall be kept in close confinement, until the penalty and costs of imprisonment be paid: *Provided*, That such person may be released from confinement, upon his making oath or affirmation, before a justice or judge, that he is unable to pay the fine assessed as aforesaid, and that he has not secreted, made over, or conveyed away, any of his property, directly or indirectly, for the purpose of evading the law, and that he has not property to pay the fine; and if the person making oath or affirmation as aforesaid, shall commit perjury, he shall be liable to be prosecuted and punished therefor, as in other cases of perjury, under the laws of this state. And the commanding officer of the regiment or battalion, in which the delinquent resides, may at any time thereafter, issue process against the property of the delinquent, returnable before the judge-advocate of the regiment, within sixty days, and may renew the same as often as it is returned unsatisfied.

Board of officers.

Fine.

Judge-advocate attend such board.

Fine, how collected.

Body, how released.

Perjury.

Alias process.

SEC. 108. The warrant to be issued, for the collection of fines, agreeably to the preceding section of this act, may be in the following form, to-wit:

State of Indiana, — county, ss. Form of warrant.
To the sheriff of said county, GREETING: Whereas, at a board of officers of the — regiment of the — division of Indiana militia, convened at —, on the — day of —, to hear and adjudicate on delinquencies, a fine of — dollars, was, by the judgment of said board, assessed upon A. B. (a serjeant, corporal, private, as the case may be) of the company of said regiment, for neglect of duty, as appears of

record: you are therefore commanded, that of the goods and chattels of said A. B. you cause to be made the sum of _____ dollars, together with your own fees for collection; and for want of sufficient goods and chattels, take said A. B. and him commit to the jail of said county, there to remain till the fine (or fines) and fees aforesaid are paid, or he otherwise duly discharged; and the fine (or fines) aforesaid, when collected, to pay to the paymaster of said regiment, taking his receipt therefor; and make return of this writ, with your doings thereon, to the judge-advocate of the regiment, within sixty days from this date. Given under my hand and seal, at _____, this _____ day of _____, 18— (signed) [SEAL.]

Persons evading a draft, how dealt with.

SEC. 109. If any non-commissioned officer or private, shall absent himself from the bounds of his company district, and thereby evade a draft or tour of duty, he shall, immediately on his return, within such bounds, be notified to hold himself in readiness to march on the next tour of duty; and if he shall neglect or refuse to perform the next tour of duty, after being notified of the time and place of rendezvous, by a written notification left at his last place of residence, in said company district, in case he cannot be found, he shall be subject to the same penalty that is inflicted in the 107th section of this act, which shall be collected in the same manner.

Sheriff or coroner pay over penalty to paymaster.

SEC. 110. When any sheriff or coroner shall collect any such penalty, he shall immediately pay the same to the paymaster of the proper regiment, and take his receipt therefor, on the back of the warrant, and return the warrant to the judge-advocate of the regiment, with his doings thereon, as commanded; and if in any case, any sheriff or coroner shall neglect or refuse to serve such warrant, or make return of the same, or pay over any money by him thereon collected, as aforesaid, the judge-advocate of the regiment shall make a motion in writing to the next circuit court, in the proper county, against such sheriff or coroner, setting forth the facts of the case; and, provided said sheriff or coroner shall have had four days notice of such motion, together with a copy of the same, the court shall, at the same term, proceed to render judgment against such sheriff or coroner, for the amount collected, or the amount of the warrant, as the case may require, with twenty-five per cent. thereon, and interest and costs; and the record of said board of officers, and the testimony of the judge-advocate, paymaster, or other parol evidence of such delinquency, shall be sufficient for said court to render judgment upon; from which judgment there shall be no appeal.

Motion vs. sheriff after 4 days notice.

Fines, how appropriated,

SEC. 111. All fines collected from persons legally enrolled in any company, neglecting or refusing to perform a tour

of duty, shall be paid into the hands of the paymaster of the regiment, and by him placed to the credit of the company from which such fines were collected; and where the commandant of the company shall be required to furnish his quota and draft, he shall if practicable, hire substitutes to make up any deficiency which may happen from the refusal of any person drafted to perform a tour of duty, to the extent that the funds in the hands of the paymaster in his favour will justify. *Provided*, That he shall not in any case give more than twenty dollars per month for a substitute; and in case substitutes cannot be procured to make up such deficiency, the commandant of the company shall proceed to draft until his quota is furnished, and so, in succession, until his company is gone through; and when all the men in his company have been called on to serve a tour of duty, the commandant of such company shall certify the same to the commander of the regiment, and the commandant of such company shall not again be required to furnish any quota of men by draft, until all the companies in the regiment are in like manner gone through, and all the privates therein have been called upon to perform a tour of duty.

Commandant of company may hire substitutes for others.

Draft shall be continued until quota is completed.

SEC. 112. If any suit shall be brought against any person for any thing done under this act, the defendant may plead the general issue, and give this act and the special matter in evidence.

This act may be given in evidence, &c.

SEC. 113. The persons of all non-commissioned officers and privates, who shall actually perform a tour of duty, shall be exempt from arrest, and their property from distress and sale, under any civil process, from the time they are legally notified to march on a tour of duty, and until they have reasonable time to return to their respective homes.

Person & property exempt during tour of duty.

SEC. 114. When any commandant or staff officer, shall resign or go out of office, it shall be his duty to deliver to his successor, all the books, papers and records, that may be in his care or possession, relative to said office; and any person failing to comply as aforesaid, shall pay any sum not exceeding five hundred dollars, to be recovered in any court of record in this state, at the suit of the commandant of the regiment.

Officer shall deliver to his successor, books, papers, &c.

SEC. 115. The militia of this state, when in actual service, shall be subject to the same rules and regulations as the army of the United States, and shall receive the same pay and rations: *Provided*, upon any transgression, of either officer or private, against such rules and regulations, the offender shall be tried and sentenced by a court martial of the militia officers of this state only, if practicable to convene the same.

Militia when in service, subject to rules, &c. of army of United States.

SEC. 116. When any necessary expense shall accrue in

Expenses not provided for, to be paid out of contingent fund.

Uniform.

Officers of regiment may adopt a uniform.

Repealing clause.

Saving clause.

Adjutant-general shall have blank forms, rules, and articles of war, &c. to be printed with this act.

Shall distribute this act, and how.

carrying into effect the provisions of this act, for the payment of which no provision is herein before made, the same shall be paid out of the contingent fund, upon the order of the commander-in-chief.

SEC. 117. The uniform of the army of the United States shall be worn by all general and field officers, and by the general, division, and brigade staff. The company officers and staff of any regiment may adopt a uniform, and prescribe the same for the use of themselves, at any meeting of two thirds of such company, and staff officers; and if the same be approved by a majority of the field officers; such uniform may be worn instead of the uniform of the United States' army, and shall be recorded in the regimental book, by the judge-advocate; but if no such uniform be adopted, prescribed, approved and recorded as aforesaid, such company and staff officers, shall wear the uniform of the army of the United States, and such uniform of the army of the United States, may in any event be worn by such of said company and staff officers, as think proper so to do.

SEC. 118. All acts and parts of acts heretofore passed and in force in this state, relative to the militia thereof, and contravening the provisions of this act, are hereby repealed: *Provided however*, That nothing herein contained, shall be so construed as to prevent the recovery or collection of any fine, forfeiture, penalty, debt or costs, which may have arisen or been incurred under any former act or law; but the same shall be prosecuted, collected and recovered, in the same manner as if this act had not been passed.

SEC. 119. It shall be the duty of the adjutant-general, to cause to be printed and bound with this act, all the forms of the strength of regiments and companies that are published in the act to regulate the militia of this state, approved, January 20th, 1824, and the rules and articles of war for the government of the army of the United States, and of so much of the general regulations of said army as relates to the uniform of officers of different ranks and corps; and to distribute this act in the same manner, taking the same receipts therefor; and the same shall be returned under like penalties and for the same cause, and to the same officers, and by the said officers be again distributed as is in this act prescribed for the distribution of copies of the "Abstract of infantry tactics, including the exercises and manœuvres of light infantry and riflemen for the use of the militia of the United States," and of the "System of exercises and instruction of field artillery, including manœuvres for light or horse artillery;" except that each commissioned officer in the state, shall be entitled to one copy thereof, and that twenty copies shall be deposited in the state library.

SECRETARY'S OFFICE.

INDIANA, to-wit:

I, JAMES MORRISON, Secretary of State of the State aforesaid, certify that I have compared the foregoing act, as printed, with the enrolled act on file in my office, and find it correctly printed.

Done at Indianapolis, the twentieth day of June, in the year of our Lord, one thousand eight hundred and thirty one, the fifty fifth year of the independence of the United States, and of the State, the fifteenth year.

JAMES MORRISON.

APPENDIX.

RULES AND ARTICLES OF WAR.

An Act for establishing rules and articles for the government of the armies of the United States.

[APPROVED, APRIL 10, 1806.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United states shall be governed.

ART. 1. Every officer, now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence, one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence,) shall on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice-President thereof, against the Congress of the United States, or

against the chief magistrate or Legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

ART. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny, or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavour to suppress the same, or, coming to the knowledge of any intended mutiny, does not without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

ART. 10. Every non-commissioned officer or soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge-advocate, and in his presence shall take the following oath or affirmation; "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the president of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States." Which justice, magistrate, or judge-advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the president, the

secretary of war, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the president of the United States, or by sentence of a general court martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack, of the United States, (his field officer being absent) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers as shall not appear at the said muster have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer, or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof, by two witnesses before a general court martial, be cashiered, and shall be thereby utterly disabled to have or to hold any office or employment in the service of the United States.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or to hold any office or employment in the service of the United States.

ART. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers authorized to

call for such returns, of the state of the regiment, troop or company, or garrison, under his command, or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall in the beginning of every month remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of, their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

ART. 20. All officers or soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

ART. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in presence of his commanding officer.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial.

ART. 26. If any commissioned or non-commissioned officer, commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall

be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the *reveille*, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons, of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer, commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls, let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessities of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

ART. 32. Every officer, commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating any person; of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavours to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court martial.

ART. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled or damaged, shall at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier, who shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such

weekly stoppages, (not exceeding the half of his pay,) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted before a court martial, of having embezzled, or misapplied, any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

ART. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished, according to the nature of his offence, by the sentence of a court martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

ART. 48. And every non-commissioned officer conniving at such hindering of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

ART. 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court martial.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

ART. 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watch word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parol or watch word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished, according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

ART. 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly,

shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States: for the neglect of which the commanding officer is to be answerable.

ART. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

ART. 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank, of the line of the army, marine corps, or militia, by commission, there on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the president of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the president of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the president, from one corps to another, regard being paid to rank.

ART. 64. General courts martial may consist of any number of commissioned officers, from five to thirteen inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

ART. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution, until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court

martial, in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceeding shall have been transmitted to the secretary of war, to be laid before the president of the United States, for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 66. Every officer commanding a regiment or corps, may appoint, for his own regiment or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences, not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court martial, shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison or put to hard labour, any non-commissioned officer or soldier, for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present, and duly authorized, shall be received and obeyed.

ART. 69. The judge-advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer, to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favor, or affection: and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. *So help you God.*" And as soon as the said oath shall have been administered to the respective members,

the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words: "You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*"

ART. 70. When a prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time, shall be received by the court.

ART. 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

ART. 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation, in the following form:

"You swear, or affirm, (as the case may be,) the evidence you shall give, in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

ART. 74. On the trials of cases not capital, before courts martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

ART. 75. No officer shall be tried, but by a general court martial, nor by officers of an inferior rank, if it can be avoided: Nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

ART. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court martial, or released by proper authority.

ART. 79. No officer or soldier who shall be put in arrest, shall con-

continue in confinement more than eight days, or until such time as a court martial can be assembled.

ART. 80. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 81. No officer commanding a guard or provost-marshal shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

ART. 82. Every officer or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

ART. 83. Any commissioned officer, convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

ART. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court, to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial;* and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 88. No person shall be liable to be tried and punished by a general court martial, for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial.

* Punishment by stripes or lashes abolished. See section 7, act of May 16, 1812.
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al, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the president of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the president for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 90. Every judge-advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the secretary of war; which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court martial, shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

ART. 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 92. The proceedings of a court of inquiry, must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonourable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the president of the United States, or demanded by the accused.

ART. 93. The judge-advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire according to your evidence, into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. *So help you God.*"

After which the president shall administer to the judge-advocate, or recorder, the following oath:

"You, A. B. do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. *So help you God.*"

The witnesses shall take the same oath as witnesses sworn before a court martial.

ART. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end, that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier shall die or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction, with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces; save, only, that such courts martial shall be composed entirely of militia officers.

ART. 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular

forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes, not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed, by all officers and soldiers who are, or shall be, in said service.

SEC. 2. *And be it further enacted*, That in time of war, all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death according to the law and usage of nations, by sentence of a general court martial.

SEC. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the United States have heretofore been governed, and the resolves of congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

GENERAL REGULATIONS, &c.

Uniforms.

Dark blue is the national colour. When a different one is not expressly prescribed, all uniform coats, whether for officers or enlisted men, will be of that colour.

Chapeaux de bras and caps.

Chapeaux de bras will be of the following form: the fan not less than six and a half, nor more than nine inches deep in the rear, and not less than fifteen, nor more than seventeen and a half inches, from point to point; the edge bound round with black binding, an inch wide. Loop, button, and cockade, black; the latter four and a half inches in diameter, with a gold eagle in the centre; the eagle one and a half inch between the tips of the wings.

Caps of company officers will be of leather; bell crown; gilt scales; yellow eagle, in front, three inches between the tips of the wings, with the number of the regiment cut in the shield; black leather cor kade, one and a half inch in diameter, having a small yellow button in the centre, with an eagle impressed on it. Those of the enlisted men will be of leather, and of the same form as those prescribed for officers; brass scales.

Chapeaux de bras will be worn by all officers in uniform, whether of the line or the staff, except company officers. Caps will be worn by all company officers when on duty with their companies, and by all enlisted men.

Company officers, when on duty, absent from their companies, will be allowed in uniform to wear a *chakos* (or foraging cap) of blue cloth, trimmed with lace, corresponding with that on the coat, and of the precise pattern of that deposited in the office of the commissary-general of purchases. The enlisted men will also wear a *chakos* of the same pattern, in lieu of foraging caps, trimmed with worsted braid, like that on their coats.

Plumes and Pompons.

No plumes nor pompons will be worn with chapeaux de bras. Pompons shall be worsted and five inches in length.

The pompons of company officers and enlisted men shall be of the following colours: light artillery yellow with red tops; artillery yellow; grenadiers red; light infantry white, with red tops; infantry white, and rifle green.

Pompons will be worn in front of the cap.

Tassels for Caps.

Those of the officers of artillery and rifle companies will be of gold cord and bullion. Those of the officers of infantry will be of silver cord and bullion.

Those of the enlisted men of artillery will be of yellow worsted; those of the enlisted men of infantry will be of white worsted; and those of the enlisted men of the rifle corps will be of green worsted.

Stocks.

The stock will be of black leather, or silk; and nothing white shall be seen above it, round the neck, but the collar of the shirt.

Epaulettes.

Major-generals and brigadier-generals will wear two gold epaulettes. Those of the major-general will have on the gold ground of each strap, two silver stars; those of the brigadier-general will have on each strap, one star. All other officers of the general staff will wear gold epaulettes, as follows:—colonels, lieutenant-colonels, and majors, two; captains, one on the right shoulder, and subalterns, one on the left.

Colonels, lieutenant-colonels, and majors, of engineers, artillery, and rifle, will wear two gold epaulettes. Colonels, lieutenant-colonels, and majors, of infantry, will wear two silver epaulettes. Captains and engineers, one gold epaulette on the right shoulder, and subalterns one on the left.

Wings.

The wings of company officers of artillery and rifle, will be of gold bullion. Those of company officers of infantry, of silver bullion.

The wings of the enlisted men of the artillery will be of yellow worsted; those of the enlisted men of infantry, of white worsted; and those of the enlisted men of rifle companies, of black worsted.

Chevrons

Chevrons will designate rank as follows:—captains, one on each arm, above the elbow; and subalterns, one on each arm, below the elbow. They will be of gold or silver lace, half an inch wide, conforming in colour to the buttons of their regiments or corps. The angle of the chevron to point upwards.

Adjutants will be designated by an are of gold or silver fringe, (according to the colour of their trimmings) connecting the extreme points formed by the two diverging lines of the chevron.

Sergeant-majors and quartermaster-sergeants will wear one chevron of worsted braid on each arm, above the elbow; sergeants and senior musicians, one on each arm, below the elbow; and corporals, one on the right arm, above the elbow. They will conform, in colour and material, to the braid with which the collars of their coats are trimmed.

Coats.

The coat of the general staff will be single breasted, with one row of ten buttons, and with button-holes worked with blue twist in front, extending, at the top, to the seam of the sleeve, and not more than three inches long at the bottom. Standing collar to be united in front to the edge of the breast of the coat, not to rise higher than the tip of the ear, and always as high in front as the chin will permit, in turning the head. The cuffs not less than three and a half, nor more than four inches wide. The skirts faced with cloth of the same colour of the coat, the bottom of each not more than five, nor less than three and a half inches wide, the length to reach the bend of the knee—the bottom of the breast and two hip buttons to range. One blind button-hole, five inches long, with a button, on each side of the collar. The blind holes of the front of the coat, in the herring-bone form, to run in the same direction with the collar from the top to the bottom. Blind holes, in the like form, to proceed from four buttons placed lengthwise on each skirt. A gilt star on the bottom of the skirt, two inches from the lower edge. The cuffs to be indented, within one and a half inch of the edge, with four buttons lengthwise on each sleeve, and blind holes to the three upper buttons, corresponding with the indentation of the cuff, on the centre of which indentation is to be inserted the lower button.

The coat of the engineers to be single breasted, with one row of ten buttons in front; the button holes of blue twist, in the herring-bone form, as those prescribed for the general staff. Standing collar of black silk velvet, to be united in front to the edge of the breast of the coat; not to rise higher than the tip of the ear, and always as high in front as the chin will permit, in turning the head. The collar to be embroidered with a sprig of laurel encircling a star. The cuffs of black silk velvet.

three and half inches wide, to be indented, within one and a half inch of the edge, with three buttons lengthwise on each sleeve, at equal distances, the lower button to be placed on the centre of the indentation; blind holes of blue twist to proceed from the two top buttons in the herring-bone form, and corresponding with the indentation of the cuff. Three buttons, placed lengthwise on each skirt, with blind holes of blue twist, in the herring-bone form. The outer edge of the skirts faced with blue. Three buttons on the plait, one on a line with the hip, one within an inch of the bottom, and the other at the central point.

All general officers will be permitted to have their button holes embroidered red. Other officers of the general staff will be permitted to have only the button holes of the collar embroidered.

The coat of medical officers shall correspond to that of the general staff, except in the collar and cuffs, which will be of black silk velvet. No embroidery is allowed them.

Coatee.

The coatee of the artillery will be single breasted, standing collar four inches wide, having two blind button-holes on each side, of yellow lace for company officers, and yellow worsted binding for enlisted men, with a button at the termination of each hole; collar bound round with yellow lace, or braid; one row of ten buttons on the breast; button-holes of blue braid, in herring-bone form, length of the hole, for officers, as prescribed for the general staff. Cuff three inches wide, with four buttons round the upper edge, one inch apart; and blind holes of blue braid, from the buttons to the lower edge of the cuff. Pocket flaps one and a half inch wide, running across the hip on a line with the hip buttons, with four buttons under each; plait to have four buttons, one at the top on a line with the hip, another within one inch of the bottom of the skirt, and the two others one half inch on each side of the central point between the two extremities of the plait; blue braid down the tip and back part of the skirt. A diamond of blue cloth on the tip, bound round with lace or braid like that of the collar, the centre of which to be one and a half inch from the bottom of the skirt, and on a line with the lower button of the plait.

The coatee of the infantry will conform to that of the artillery, excepting that the former shall have white lace and braid where yellow is prescribed for the latter.

Field officers will wear long coats, in all other respects conforming to the coatee of their company officers, excepting also, that there will be no blind button holes or buttons on the collar. The skirts will extend to the bend of the knee.

The coatee of musicians will be of scarlet cloth.

Jackets.

The jacket for the riflemen will be of green cloth, huzzar fashion, collar, body, back, seams, cuffs, and welts to be bound round with black silk braid for officers, and black worsted for the enlisted men; two blind button holes on each side of the collar, of black braid, terminating in crows-feet; and a button at the upper end of each hole. Three rows of nine buttons on the breast; button holes of black braid, a little circu-

lar in their form. Cuffs three and half inches wide, to be indented within one and a half inch of the edge, with three buttons lengthwise on each sleeve, and blind holes to the two upper buttons, corresponding with the indentation of the cuff, on the centre of which indentation is to be inserted the lower button.

Vests.

The vests of the general staff, medical department, engineers, artillery, and rifle officers, will be buff, white, or blue. Those of the officers of infantry, white or blue.

The waistcoats of the enlisted men of all corps, will be of white cotton drilling, with sleeves, for parade. For service, grey kersey jackets with sleeves, will be worn instead of vests.

All vests shall be single breasted, with one row of ten buttons, and without pockets flaps.

Pantaloon.

The pantaloons of the general staff, engineers, and medical officers, will be of buff, white, or blue. The pantaloons of all other commissioned officers, will be of white cassimere or other material for parade, and blue cloth for service. Pantaloons of company officers, for service, will correspond in colour with those of the men.

The enlisted men of artillery and infantry, for winter service, will wear grey woollen pantaloons of kersey, to be made wide, and reach to the ankle joint; for parade, white woollen, or cotton drilling pantaloons, conforming in size to the pantaloons prescribed for service. The pantaloons of the enlisted riflemen will conform to these, except in colour, which shall be green.

All pantaloons shall be plain, and without any show of metallic buttons, ornament, or trimming; and when worn over boots or bootees, shall be made wide and reach the ankle joint.

Swords and Belts.

The swords of the officers of the general staff, engineers, artillery, and rifle, will be yellow mounted, with a black or yellow gripe, and straight blades. Those of the officers of infantry will be of similar form, and will differ only in the colour of the mountings, which shall be white. Medical officers will wear yellow mounted small swords.

The general staff and engineers, will wear black waist belts, with a yellow plate. All other officers will wear white waist belts, one and a half inch wide. Artillery and rifle officers will wear on the belt a yellow oval plate, in front, one and a half inch wide, with an eagle in the centre. Those of the infantry will wear a similar plate, except in colour, which shall be white.

Sashes.

Red net silk sashes will be worn by all regimental and company officers on duty, to be tied with a knot in front of the right hip, so that the ends shall fall upon the right thigh.

Boots and Bootees.

High military boots will be worn by all officers mounted with marching troops, over the pantaloons. The officers of engineers will wear boots to reach the calf of the leg. Short boots will be worn by

all other officers, (excepting those of engineers,) on all other occasions, under the pantaloons.

The enlisted men of all corps will wear, under the pantaloons, laced bootees, to extend four inches above the ankle joint.

Spurs.

Officers of the general staff will wear yellow spurs. All other officers entitled to forage, will wear yellow or white spurs, according to the colour of their buttons.

Buttons.

The general staff and medical officers will wear plain gilt bullet buttons.

The button of the engineers will be flat, of yellow metal, with only the device and motto heretofore established. The button of the artillery will be of yellow metal, cupped in form, three fourths of an inch diameter, with an eagle impressed on it, and the letter "A." in the shield thereof. The rifle button will be like that of the artillery, except that it will be more cupped, be only one half inch in diameter, and shall bear the letter "R." instead of "A." The button of the infantry will be like that of the artillery, except that it will be of white metal, and shall bear the letter "I." instead of "A."

General Rules.

Company officers, off duty, are allowed uniforms in all respects like the field officers of their regiments or corps, with epaulettes instead of wings; captains, one on the right shoulder, and subalterns one on the left.

The paymaster-general and paymasters will wear staff uniforms with wings. Aides-de-camp will be permitted to wear staff uniform with epaulettes according to rank.

Topographical engineers will be designated from the corps, only in the button; which shall be three-fourths of an inch diameter; flat; of yellow metal, with an appropriate device. Chaplains, judge-advocates, commissaries of purchases, and store-keepers, have no uniform.

On unofficial occasions, and in private societies, all officers of the army, are permitted to wear, with long coats, white pantaloons or breeches, with white silk stockings, and shoes. The breeches shall have knee buckles and buttons of the same colour with the buttons of the corps to which the officer belongs.

No undress uniform, or dress resembling the military, without conforming to regulations, shall be worn; and all articles of uniform or equipment, more or less, than those prescribed, or in any manner differing from them, are prohibited. Officers shall at all times, except on occasions expressly reserved, be in the uniform here prescribed, or in a citizen's dress. All officers in uniform must wear swords.

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